A COLLECTION

OF

THE ACTS

PASSED BY THE

GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1884.

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TITLES

OF

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1884.

I. An Act to amend the law relating to the granting of honorary degrees by the Universities at Calcutta, Madras and Bombay.

II. „ to give effect to certain unregistered instruments of partition relating to immoveable property in the Madras Presidency, and to remove doubts as to the titles conferred thereby.

III. „ to amend the Code of Criminal Procedure, 1882.

IV. „ to regulate the manufacture, possession, use, sale, transport and importation of Explosives.

V. „ to amend the Chutiá Nágpur Encumbered Estates Act, 1876.

VI. „ to amend the law relating to the Survey and the Examination and Grant of Certificates to Engineers, of Inland Steam-vessels, and to provide for certain other matters relating to those vessels.

VII. „ to amend the law relating to the Survey of Steam-ships and the Grant of Certificates to Engineers of those ships.

VIII. „ to repeal Bengal Regulation XIX of 1810 within the territories administered by the Lieutenant-Governor of the North-Western Provinces.

IX. „ to amend the Legal Practitioners' Act, 1879, and the Indian Stamp Act, 1879.

X. „ to amend the Burma Courts Act, 1875.

XI. „ to amend the Sindh Incumbered Estates Act, 1881.

XII. „ to amend and provide for the extension of the Northern India Takkávi Act, 1879.

XIII. „ to make better provision for the organization and administration of Municipalities in the Panjáb.

XIV. „ for the validation of decisions passed by certain Settlement-officers in the Panjáb.

XV	An Act	for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864
XVI		to provide more effectually for the suppression of certain forms of gaming in British Burma
XVII		to amend the law relating to Municipalities in British Burma
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XIX	„	to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of water-works and the supply of water in that Town
XX	„	to amend the Indian Salt Act, 1882
XXI	„	to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883

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[NOTE.—The capital letters opposite some of the heads indicate that the heads so marked refer only to one province or town. BEN. stands for Bengal; BO. for Bombay; B. B. for British Burma; C. N. for Chutia Nagpur; M. for Madras; P. for the Punjáb; R. for Rangoon; S. for Sindh.]

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Govt. of India Central Printing Office.—No. 349 L. D.—16-3-88.—3,700.

ACT No. I OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th January, 1884.)

An Act to amend the law relating to the granting of honorary degrees by the Universities at Calcutta, Madras and Bombay.

WHEREAS it is expedient to amend the law relating to the granting of honorary degrees, and to give to the Universities at Calcutta, Madras and Bombay the power of granting the degree of Doctor in the faculty of Law to persons who have not undergone a previous examination;

and whereas the executive government of each of the said Universities is, by bye-laws made under the Acts establishing the same, vested in a Syndicate consisting of the Vice-Chancellor and certain of the Fellows;

It is hereby enacted as follows:—

Repeal of Act XXI of 1875.

1. Act No. XXI of 1875 (*an Act to authorize the University at Calcutta to grant honorary degrees*) is repealed.

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Power to confer honorary degree of Doctor in the faculty of Law.

2. If the Vice-Chancellor and not less than two-thirds of the other members of the Syndicate of any of the Universities at Calcutta, Madras and Bombay recommend that an honorary degree be conferred on any person, on the ground that he is, in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree, and their recommendation is supported by a majority of those present at a meeting of the Senate and is confirmed by the Chancellor, it shall be lawful for the Chancellor, Vice-Chancellor and Fellows to confer on that person the degree of Doctor in the faculty of Law, without requiring him to undergo any examination.

[*Price one anna.*]

Govt. of India Central Printing Office.—No. 663 L. D.—6-1-84.—3,700.

ACT No. II OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th January, 1884.)

An Act to give effect to certain unregistered instruments of partition relating to immoveable property in the Madras Presidency, and to remove doubts as to the titles conferred thereby.

WHEREAS it is expedient to give effect to certain unregistered instruments of partition relating to immoveable property in the Madras Presidency, and to remove doubts as to the titles conferred thereby; It is hereby enacted as follows:—

Certain unregistered instruments of partition to have same force and effect as registered instruments.

1. Notwithstanding anything contained in any Act to the contrary, instruments of partition relating to immoveable property in the Madras Presidency, which have been executed before the passing of this Act and have not been registered, shall have the same force and effect as if they had been registered under the law in force at the time when they were executed:

Provided that this Act shall not—

(*a*) apply to any unregistered instrument of partition which has been superseded by an instrument of partition duly registered, or

(*b*) affect the title of a transferee for value in good faith of property, whether he has or has not had notice of an unregistered instrument of partition relating to that property, or

(*c*) affect any right established by a final decree of a Court of competent jurisdiction.

2. When

[*Price one anna and three pies.*]

Compensation to person deprived of right owing to transfer under section 1, clause (*b*).

2. When any person to whom any right has accrued on the partition, or any person claiming under that person has, by any such transfer as is mentioned in section one, clause (*b*), been deprived of any right created by the partition, he shall be entitled to recover compensation in damages from any sharer who has directly or indirectly caused such privation of right, or, if the sharer is dead, from his assets:

Provided that suit be brought ~~within three years after the date on which this Act comes into force or~~ within three years from the date of the transfer, ~~if the transfer is made after this Act comes into force.~~

Government of India Central Printing Office.—No. 567 L. D.—22-1-84.—3,700.

ACT No. III OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th January, 1884.)

An Act to amend the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; it is hereby enacted as follows:—

Amendment of section 25.

1. In section 25, after the words "British India" the following shall be inserted:—

"Sessions Judges and District Magistrates are Justices of the peace within and for the whole of the territories administered by the Local Government under which they are serving."

Addition to section 191.

2. To section 191 the following shall be added, namely:—

"When a Magistrate takes cognizance of an offence under clause (*c*), the accused, or, when there are several persons accused, any one of them, shall be entitled to require that the case shall, instead of being tried by such Magistrate, be either transferred to another Magistrate or committed to the Court of Session."

Amendment of section 443.

3. In section 443, before the words "Presidency Magistrate" the words "District Magistrate or" shall be inserted.

Amendment of section 444.

4. In section 444, after the words "Court of Session" the words "except the Sessions Judge" shall be inserted.

Amendment of section 446.

5. (*1.*) In section 446, before the words "Presidency Magistrate" the words "District Magistrate or" shall be inserted.

(*2*) To

[*Price two annas.*]

(*2*) To the same section the following shall be added namely:—

"and a District Magistrate shall not pass any such sentence other than imprisonment for a term which may extend to six months, or fine which may extend to two thousand rupees, or both."

Repeal of section 450.

6. ~~Section 450 is hereby repealed.~~

New section substituted for section 451.

7. For section 451 the following shall be substituted:—

Jury or assessors before High Court or Court of Session.

"451. (*1*) In trials of European British subjects before a High Court or Court of Session, if, before the first juror is called and accepted, or the first assessor is appointed, as the case may be, any such subject requires to be tried by mixed jury, the trial shall be by a jury of which not less than half the number shall be Europeans or Americans or both Europeans and Americans.

(*2*) "When any such trial before a Court of Session would in the ordinary course be with the aid of assessors, the European British subject accused, or, where there are several European British subjects accused, all of them jointly, may, instead of claiming to be tried by a mixed jury, under sub-section (*1*), require that not less than half the number of the assessors shall be Europeans or Americans or both Europeans and Americans."

New sections to follow section 451.

8. After section 451 the following shall be inserted, namely:—

Right of European British subject to claim jury before District Magistrate.

451*A*. (*1*) In trials of European British subjects before a District Magistrate, any such subject may, in a summons case before he is heard in his defence under section 244, or in a warrant case before he enters on his defence under section 256, claim that the trial shall be by a jury composed in manner prescribed by section 451.

"(*2*) If a claim is made under sub-section (*1*) in a summons case at the time when the Magistrate proceeds under section 244 to hear the accused or in a warrant

a warrant case at the time when the Magistrate calls upon the accused under section 256 to enter upon the defence, the Magistrate shall forthwith issue the necessary orders for the trial by a jury as aforesaid.

"(*3*) If such a claim is made at an earlier stage of the proceedings, the Magistrate shall issue such orders whenever it appears to him from the evidence recorded that there will be a sufficient case to go before a jury.

"(*4*) In every such case the Magistrate shall, notwithstanding anything contained in section 242, before issuing any orders as aforesaid, frame a formal charge.

"(*5*) The provisions of sections 211, 216, 217, 219 and 220 shall, so far as may be, apply for the purpose of securing the attendance of the complainant, the accused and the witnesses at every trial to be held under this section.

"(*6*) The provisions of this Code relating to the procedure in a trial by jury before a Court of Session shall, as nearly as may be, apply to every trial under this section as if the District Magistrate were a Sessions Judge and the accused had been committed to his Court for trial.

"(*7*) All Courts may construe any of the provisions referred to in sub-section (*5*) or sub-section (*6*), in so far as they are made applicable by that sub-section, with such verbal alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before them.

"(*8*) Nothing in this section shall affect the power of the Magistrate to commit an accused person for trial under section 347 or section 447."

Transfer to another Court in certain cases.

"451 *B*. (*1*) If an accused person claims to be tried by jury under section 451*A*, and in the opinion of the District Magistrate there is reason to believe that a jury composed in manner prescribed by section 451 cannot be constituted for the trial before himself, or cannot be so constituted without an amount of delay, expense or inconvenience which under the circumstances

circumstances of the case would be unreasonable, he may instead of issuing orders for the trial before himself under section 451*A*, transfer the case for trial to such other District Magistrate or to such Sessions Judge as the High Court may, from time to time, by rules made by it in this behalf and approved by the Local Government, or by special order, direct.

"(*3*) When a case is transferred under this section to a Sessions Judge or District Magistrate, he shall with all convenient speed try it with the same powers (including the power of commitment) and according to the same procedure as if he were a District Magistrate acting under section 451*A*."

Amendment of section 459.

9. The last sixteen words of section 459 are hereby repealed; and in the same section, after the words "any Magistrate" the words "or any Judge presiding in a Court of Session" shall be inserted.

Amendment of section 462.

10. In section 462, after the figures "460" the following shall be inserted, namely:—"or before the Court of a District Magistrate or Sessions Judge proceeding under section 451*A* or 451*B*."

Amendment of section

11. In section 526, after clause (*d*), the following shall be inserted, namely:—

"or

"(*e*) that such an order is expedient for the ends of justice."

(*2*) In the same section, after clause (*3*), the following shall be inserted, namely:—

"or

"(*4*) that an accused person be committed for trial to itself or to a Court of Session."

New section inserted after section 526.

12. After section 526 the following section shall be inserted, namely:—

Adjournment on application under section 526.

"526*A*. If any criminal case or appeal, before the commencement of the hearing, the public prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending his intention to make an application under section 526 in respect of the case, the Court shall exercise the powers of

of postponement or adjournment given by section 344 in such a manner as will afford a reasonable time for the application being made and an order being obtained thereon, before the accused is called on for his defence, or, in the case of an appeal, before the hearing of the appeal."

Addition to section 528.

13. To section 528 the following shall be added, namely :—

"A Magistrate making an order under this section shall record in writing his reason for making the same."

Construction.

14. (*1*) In this Act, "section" means section of the Code of Criminal Procedure, 1882.

X of 1882.

(*2*) All references to that Code made in enactments heretofore passed or hereafter to be passed shall be read as if made to that Code as amended by this Act.

Short title and commencement.

15. This Act may be called the Criminal Procedure Code Amendment Act, 1884; and it shall come into force on the first day of May, 1884.

Government of India Central Printing Office.—No 423 L. D.—25-1-87.—500.

THE INDIAN EXPLOSIVES ACT, 1884.

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18. Procedure for making, publication and confirmation of rules.

[*Price three annas and three pies.*]

ACT No. IV of 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th February, 1884.)

An Act to regulate the manufacture, possession, use, sale, transport and importation of Explosives.

WHEREAS it is expedient to regulate the manufacture, possession, use, sale, transport and importation of explosives; It is hereby enacted as follows:—

Short title.

1. (*1*) This Act may be called the Indian Explosives Act, 1884; and

Local extent.

(*2*) It extends to the whole of British India.

Commencement.

2. (*1*) This Act shall come into force on such day as the Governor General in Council, by notification in the *Gazette of India*, appoints:

(*2*) Provided that any notification or rule may be made under this Act at any time after the passing thereof, but, except in the case of a notification under section 18, sub-section (*2*), shall not take effect until the Act comes into force.

Repeal of portions of Act XII of 1875.

3. On and from the day on which this Act comes into force, section seven, clause (*o*), and sections twenty-eight to thirty-four (both inclusive), of the Indian Ports Act, 1875, shall be repealed.

Definitions.

4. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "explosive"—

(*a*) means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substance, whether similar to those above-mentioned or not, used or manufactured with a view to produce a practical

practical effect by explosion, or a pyrotechnic effect; and

(*b*) includes fog-signals, fireworks, fuzes, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined:

(*2*) "manufacture" includes the process of dividing into its component parts, or otherwise breaking up or unmaking, any explosive, or making fit for use any damaged explosive, and the process of re-making, altering or repairing any explosive:

(*3*) "vessel" includes every ship, boat and other vessel used in navigation, whether propelled by oars or otherwise:

(*4*) "carriage" includes any carriage, wagon, cart, truck, vehicle or other means of conveying goods or passengers by land, in whatever manner the same may be propelled:

(*5*) "master" includes every person (except a pilot or harbour-master) having for the time being command or charge of a vessel: provided that, in reference to any boat belonging to a ship, "master" shall mean the master of the ship:

(*6*) "import" means to bring into British India by sea or land.

Power to make rules as to licensing of the manufacture, possession, use, sale, transport and importation of explosives.

5. (*1*) The Governor General in Council may for any part of British India, and each Local Government, with the previous sanction of the Governor General in Council, may for any part of the territories under its administration, make rules consistent with this Act to regulate or prohibit, except under and in accordance with the conditions of a license granted as provided by those rules, the manufacture, possession, use, sale, transport and importation of explosives, or any specified class of explosives.

(*2*) Rules under this section may provide for all or any of the following, among other matters, that is to say:—

(*a*) the authority by which licenses may be granted;

(*b*) the

(*b*) the fees to be charged for licenses, and the other sums (if any) to be paid for expenses by applicants for licenses;

(*c*) the manner in which applications for licenses must be made, and the matters to be specified in such applications;

(*d*) the form in which, and the conditions on and subject to which, licenses must be granted;

(*e*) the period for which licenses are to remain in force; and

(*f*) the exemption absolutely or subject to conditions of any explosives from the operation of the rules.

(*3*) The authority making rules under this section may by the rules impose penalties on all persons manufacturing, possessing, using, selling, transporting or importing explosives in breach of the rules, or otherwise contravening the rules:

Provided that the maximum penalty which may be imposed by any such rules shall not exceed—

(*a*) in the case of a person so importing or manufacturing an explosive, a fine which may extend to three thousand rupees;

(*b*) in the case of a person so possessing, using or transporting an explosive, a fine which may extend to one thousand rupees;

(*c*) in the case of a person so selling an explosive, a fine which may extend to five hundred rupees; and

(*d*) in any other case, two hundred rupees.

Power for Governor General in Council to prohibit the manufacture, possession or importation of specially dangerous explosives.

6. (*1*) Notwithstanding anything in the rules under the last foregoing section, the Governor General in Council may, from time to time, by notification in the *Gazette of India*,—

(*a*) prohibit, either absolutely or subject to conditions, the manufacture, possession or importation of any explosive which is of so dangerous a character that, in the opinion of

of the Governor General in Council, it is expedient for the public safety to issue the notification; and

(*b*) cancel any notification under this section.

(*2*) The officers of sea customs at every port shall have the same power in respect of any explosive with regard to the importation of which a notification has been issued under this section and the vessel containing the explosive as they have for the time being in respect of any article the importatiom of which is prohibited or regulated by the law relating to sea customs and the vessel containing the same; and the enactments for the time being in force relating to sea customs or any such article or vessel shall apply accordingly.

(*3*) Any person manufacturing, possessing or importing an explosive in contravention of a notification issued under this section shall be punished with fine which may extend to three thousand rupees, and, in the case of importation by water, the owner and master of the vessel in which the explosive is imported shall, in the absence of reasonable excuse, each be punished with fine which may extend to three thousand rupees.

Power to make rules conferring powers of inspection, search, seizure, detention and removal.

7. (*1*) The Governor General in Council, or the Local Government with the previous sanction of the Governor General in Council, may make rules consistent with this Act authorizing any officer, either by name or in virtue of his office—

(*a*) to enter, inspect and examine any place, carriage or vessel in which an explosive is being manufactured, possessed, used, sold, transported or imported under a license granted under this Act, or in which he has reason to believe that an explosive has been or is being manufactured, possessed, used, sold, transported or imported in contravention of this Act or of the rules made under this Act;

(*b*) to search for explosives therein;

(*c*) to

(*c*) to take samples of any explosive found therein on payment of the value thereof; and

(*d*) to seize, detain, remove and, if necessary, destroy any explosive found therein.

X of 1882. (*2*) The provisions of the Code of Criminal Procedure relating to searches under that Code shall, so far as the same are applicable, apply to searches by officers authorized by rules under this section.

Notice of accidents.

8. Whenever there occurs in or about, or in connection with, any place in which an explosive is manufactured, possessed or used, or any carriage or vessel either conveying an explosive or on or from which an explosive is being loaded or unloaded, any accident by explosion or by fire attended with loss of human life or serious injury to person or property, or of a description usually attended with such loss or injury, the occupier of the place, or the master of the vessel, or the person in charge of the carriage, as the case may be, shall forthwith give notice thereof to the officer in charge of the nearest police-station.

Inquiry into accidents.

9. (*1*) Whenever, in the opinion of a District Magistrate, Sub-divisional Magistrate or any other Magistrate specially empowered by the Local Government in this behalf, an inquiry is necessary into the cause of any accident of the description mentioned in section 8, he may either himself make the inquiry or direct a Magistrate subordinate to himself to make the inquiry.

(*2*) Any Magistrate making an inquiry under this section shall, for the purposes of conducting the inquiry, have all the powers which he would have in holding an inquiry into an offence under the Code of
X of 1882. Criminal Procedure.

(*3*) The powers conferred on a Magistrate by this section may in a Presidency-town be exercised by the Commissioner of Police as well as by any Magistrate specially empowered in this behalf under sub-section (*1*).

10. When

Forfeiture of explosives.

10. When a person is convicted of an offence punishable under this Act or the rules made under this Act, the Court before which he is convicted may direct that the explosive, or ingredient of the explosive, or the substance (if any) in respect of which the offence has been committed, or any part of that explosive, ingredient or substance, shall, with the receptacles containing the same, be forfeited.

Distress of vessel.

11. Where the owner or master of a vessel is adjudged under this Act to pay a fine for an offence committed with, or in relation to, that vessel, the Court may, in addition to any other power it may have for the purpose of compelling payment of the fine, direct it to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Abetment and attempts.

12. Whoever abets, within the meaning of the Indian Penal Code, the commission of an offence punishable under this Act, or the rules made under this Act, or attempts to commit any such offence and in such attempt does any act towards the commission of the same, shall be punished as if he had committed the offence. XLV of 1860.

Power to arrest without warrant persons committing dangerous offences.

13. Whoever is found committing any act for which he is punishable under this Act or the rules under this Act, and which tends to cause explosion or fire in or about any place where an explosive is manufactured or stored, or any railway or port, or any carriage, ship or boat, may be apprehended without a warrant by a Police-officer, or by the occupier of, or the agent or servant of, or other person authorized by the occupier of, that place, or by any agent or servant of, or other person authorized by, the railway administration or conservator of the port, and be removed from the place where he is arrested and conveyed as soon as conveniently may be before a Magistrate.

Saving for manufacture, possession, use, sale, transport or importation by Government.

14. Nothing in this Act shall apply to the manufacture, possession, use, sale, transport or importation of any explosive—

(*a*) by order of the Government, or

(*b*) by

(*b*) by any person employed under the Government in the execution of this Act, or as a keeper of a magazine, artizan, soldier, sailor, policeman or otherwise, or enrolled as a volunteer under the Indian Volunteers Act, 1869, in the course of his employment or duty as such.

XV of 1869.

Saving of Indian Arms Act, 1878.

15. Nothing in this Act shall affect the provisions of the Indian Arms Act, 1878:

XI of 1878.

Provided that an authority granting a license under this Act for the manufacture, possession, sale, transport or importation of an explosive may, if empowered in this behalf by the rules under which the license is granted, direct by an order written on the license that it shall have the effect of a like license granted under the said Indian Arms Act.

XI of 1878.

Saving as to liability under other law

16. Nothing in this Act or the rules under this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or those rules, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or those rules:

Provided that a person shall not be punished twice for the same offence.

Extension of definition of "explosive" to other explosive substances.

17. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare that any substance which appears to the Governor General in Council to be specially dangerous to life or property, by reason either of its explosive properties or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act; and the provisions of this Act (subject to such exceptions, limitations and restrictions as may be specified in the notification) shall accordingly extend to that substance in like manner as if it were included in the definition of the term "explosive" in this Act.

Procedure for making publication and confirmation of rules.

18. (*1*) An authority making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The

(*2*) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the *Gazette of India*, prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) A rule made under this Act shall not take effect if it is made by the Governor General in Council until it has been published in the *Gazette of India*, and if it is made by the Local Government until it has been published in the local official Gazette.

(*6*) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made, and, if it requires sanction, that it has been duly sanctioned.

(*7*) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

Government of India Central Printing Office.—No. 42 L. D.—6-8-30.—200.—A. E. deS.

ACT No. V OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th February, 1884.)

An Act to amend the Chutiá Nágpur Encumbered Estates Act, 1876.

WHEREAS it is expedient to amend the Chutiá Nágpur Encumbered Estates Act, 1876; It is VI of 1876. hereby enacted as follows:—

Meaning of "section."

1. "Section" in this Act means a section of the Chutiá Nágpur Encumbered Estates Act, 1876. VI of 1876.

Addition to section 2 of Act VI of 1876.

2. To section 2 the following shall be added, namely:—

"Every application under this section must state—

"(*a*) the particulars of the debts and liabilities as aforesaid to which the said holder is subject or with which his immoveable property is charged; and

"(*b*) the particulars of the immoveable property of or to which he is then possessed or entitled in his own right or which he is entitled to redeem.

"Every such application must, except when it is made by a Deputy Commissioner, be verified by the applicant or by some other competent person in the manner required by law for the verification of plaints, and, if it contains any averment which the person making the verification knows or believes to be false or does not know or believe to be true, he shall be deemed to have given false evidence within the meaning of the Indian Penal Code."

Amendment of section 3.

3. In section 3, for the words "on such publication" the words "on the publication of an order under section two" shall be substituted.

4. To

[*Price one anna and six pies.*]

Addition to section 4.

4. To section 4 the following shall be added, namely:—

"and also in or towards the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from the Government by the manager under this Act."

Amendment of section 7.

5. In section 7, for the words "nine months" the words "six months" shall be substituted.

Amendment of section 12.

6. (*1*) In section 12, for the first clause the following shall be substituted:—

"When all the debts and liabilities mentioned in the schedule referred to in section eleven, and the amount of any loan received from the Government under section eighteen, together with the interest (if any) due thereon, have been paid and discharged".

(*2*) In the same section, for the second clause the following shall be substituted, namely:—

"or if the Commissioner, at any time before a scheme has been approved by him under section eleven, thinks that the provisions of this Act should not continue to apply to the case of the holder of the said property or his heir".

(*3*) After the second clause of the same section the following shall be inserted, namely:—

"or if at any time an arrangement is made for the satisfaction of the debts and liabilities which is accepted by the creditors and approved by the Commissioner."

Amendment of section 17.

7. In section 17, for the words "not exceeding twenty years absolute" the words "or in perpetuity" shall be substituted.

Amendment of section 18.

8. In section 18—

(*a*) the following words shall be repealed, namely:—"with the previous consent of the holder of the property and of the person (being of full age) who would be his heir if he died intestate." I of 1891

(*b*) after the words "as may appear expedient" the following shall be inserted, namely:—"or by borrowing money from the Government

Government at such rate of interest as appears reasonable to the Local Government"; and

(*c*) for the last clause the following shall be substituted, namely:—"The powers conferred by this section shall not be exercised until a scheme has been approved by the Commissioner under section eleven."

Addition to section 19.

9. In section 19, after clause (*a*), the following shall be inserted, namely:—

"(*a a*) the classes of cases which may be submitted by the Commissioner for the consent of the Lieutenant-Governor under section two."

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Repeal of Act XII of 1877.

10. Act XII of 1877 (*an Act to amend the Chutiá Nágpur Encumbered Estates Act, 1876*) is hereby repealed.

Govt. of India Central Printing Office.—No. 701 L. D.—4-3-84.—3,000.

THE INLAND STEAM-VESSELS ACT, 1884.

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[*Price seven annas and six pies.*]

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ACT No. VI OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th February, 1884.)

An Act to amend the law relating to the Survey, and the Examination and Grant of Certificates to Engineers, of Inland Steam-vessels, and to provide for certain other matters relating to those vessels.

WHEREAS it is expedient to amend the law relating to the survey of inland steam-vessels and the examination and grant of certificates to engineers of those vessels;

And whereas it is also expedient to provide for the grant of certificates to the masters of inland steam-vessels, and for investigations into casualties affecting, and into charges against masters and engineers of, those vessels, and for the protection of passengers and goods carried thereon from danger by fire and for the regulation of the carriage of passengers therein;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Inland Steam-vessels Act, 1884.

(*2*) It extends in the first instance to the whole of British India, except the territories administered by the Governor of Fort St. George in Council.

(*3*) But the Governor of Fort St. George in Council may, at any time, by notification in the local official

official Gazette, extend this Act or any part thereof to the whole or any part of the territories under his administration.

Commencement.

2. (*1*) This Act shall come into force in the whole of British India, except the territories administered by the Governor of Fort St. George in Council, on such day as the Governor General in Council, by notification in the *Gazette of India*, directs.

(*2*) If the Governor of Fort St. George in Council extends this Act or any part thereof to the whole or any part of the territories under his administration, the Act or part so extended shall come into force in the local area to which it is so extended on such day as the Governor in Council, by the notification extending the Act or part, directs.

(*3*) Provided that any notification, rule or appointment may be made under this Act at any time after the passing thereof, but, except in the case of a notification under section sixty-nine, sub-section (2), shall not take effect until the Act or part thereof, under which the notification, rule or appointment is made, comes into force.

Repeal of enactments.

3. (*1*) On and from the day on which this Act comes into force, elsewhere than in the territories administered by the Governor of Fort St. George in Council, the Acts mentioned in the first column of the first schedule hereto annexed shall be repealed to the extent mentioned in the third column thereof.

(*2*) But all proceedings commenced, investigations held, and certificates granted, cancelled or suspended under any of the said Acts shall be deemed to have been respectively commenced, held, granted, cancelled or suspended under this Act or under the Indian Steam-ships Act, 1884, as the case may be. f1891 VII of 188

(*3*) For the purposes of the last foregoing sub-section, a certificate granted to the commander of an inland steam-vessel under Bengal Act VII of 1879 (*to provide for the proper management of certain inland steam-vessels*) shall be deemed to be a first-class master's

master's certificate granted under this Act; and an engineer's certificate, whether of competency or service, granted under any other of the Acts repealed by this Act shall be deemed to be an engineer's certificate granted under this Act or a first-class engineer's certificate granted under the Indian Steam-ships Act, 1884, as the case may be.

VII of 1884.

4. When in any Act, Regulation or Notification passed or issued before this Act comes into force, reference is made to any Act repealed by this Act, the reference shall, so far as may be practicable, be read as applying to this Act or the Indian Steam-ships Act, 1884, or the corresponding part of this Act or that Act, as the case may be.

Reference to repealed Acts in other Acts, Regulations and Notifications.

VII of 1884.

5. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

(*1*) "vessel" includes anything made for the conveyance by water of human beings or of property:

(*2*) "steam-vessel" means every description of vessel propelled wholly or in part by the agency of steam:

(*3*) "inland water" means any canal, river, navigable lake or water in British India:

(*4*) "inland steam-vessel" means a steam-vessel which ordinarily plies on inland water:

(*5*) "voyage" includes also the plying of a vessel at or about any place;

(*6*) "master" means any person (except a pilot or harbour-master) having for the time being the charge or control of a vessel:

(*7*) "passenger" includes any person carried in a steam-vessel other than the master and crew and the owner, his family and servants: and

(*8*) "prescribed" means prescribed by a rule made by the Local Government under this Act.

CHAPTER II.

CHAPTER II.

SURVEY OF INLAND STEAM-VESSELS.

Inland steam-vessel not to proceed on voyage without a certificate of survey.

6. (*1*) An inland steam-vessel shall not proceed on any voyage unless she has a certificate of survey under this Act in force and applicable to the voyage on which she is about to proceed or the service on which she is about to be employed.

(*2*) Nothing in this section shall apply to any steam-vessel proceeding on a voyage during the interval between the time at which her certificate under this Act expires and the time at which it is first practicable to have the certificate renewed.

Appointment of surveyors and places of survey.

7. (*1*) The Local Government may, from time to time, appoint so many persons as it thinks fit to be surveyors for the purposes of this Act at such places within the territories under its administration as it, from time to time, appoints to be places of survey.

(*2*) Every surveyor appointed under this Act may be suspended or removed by the Local Government which appointed him.

(*3*) Every surveyor appointed under this Act shall, for the purposes of any survey made by him, be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Powers of surveyors.

8. (*1*) For the purposes of a survey under this Act, any surveyor appointed under this Act may, at any reasonable time, go on board any inland steam-vessel, and may inspect the steam-vessel and every part thereof, and the machinery, equipments or articles on board thereof:

Section in

Provided that he does not unnecessarily hinder the loading or unloading of the steam-vessel, or unnecessarily detain or delay her from proceeding on any voyage.

(*2*) The owner, master and officers of the steam-vessel shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-vessel, and her machinery and equipments, or

or any part thereof, respectively, as he reasonably requires.

Declaration of surveyor.

9. When a survey under this Act is completed, the surveyor making it shall forthwith, if satisfied that he can with propriety do so, give to the owner or master of the steam-vessel surveyed a declaration in the prescribed form containing the following particulars, namely :—

(*a*) that the hull and machinery of the steam-vessel are sufficient for the service intended and in good condition ;

(*b*) that the equipments of the steam-vessel and the certificates of the master and engineer or engine-driver are such and in such condition as are required by any law for the time being in force and applicable to the steam-vessel ;

(*c*) the time (if less than one year) for which the hull, machinery and equipments of the steam-vessel will be sufficient ;

(*d*) the limit (if any) beyond which, as regards the hull, machinery or equipments, the steam-vessel is in the surveyor's judgment not fit to ply ;

(*e*) the number of passengers (if any) which the steam-vessel is in the judgment of the surveyor fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins, and in different parts of the deck and cabins ; the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances as the case requires ; and

(*f*) any other prescribed particulars.

Sending of declaration by owner or master to Local Government.

10. (*1*) The owner or master to whom a declaration is given under the last foregoing section shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the Local Government, from time to time, appoints in this behalf.

(*2*) If

(*2*) If he fails to do so, he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

(*3*) The owner or master shall pay the sum so forfeited on the delivery of the certificate of survey ~~in addition to the fee payable for the certificate.~~

Grant of certificate of survey by Local Government.

11. (*1*) Upon receipt of a declaration by the officer appointed in this behalf under the last foregoing section, the Local Government shall, if satisfied that the provisions of this Act have been complied with, cause a certificate in duplicate to be prepared and delivered, through such officer at the place at which the steam-vessel was surveyed as the Local Government, from time to time, appoints in this behalf, to the owner or master of the steam-vessel surveyed, on his applying and paying ~~the fees and other~~ sums (if any) in this Act mentioned as payable on delivery of a certificate.

Section section

(*2*) A certificate granted under this section shall be in such form as the Governor General in Council, from time to time, directs; shall contain a statement to the effect that the provisions of this Act with respect to the survey of the steam-vessel and the transmission of the declaration in respect thereof have been complied with; and shall set forth—

(*a*) the particulars concerning the steam-vessel which clauses (*c*), (*d*) and (*e*) of section nine require the declaration by the surveyor to contain, and

(*b*) any other prescribed particulars.

(*3*) When a certificate is ready for delivery under this section, the Local Government shall cause notice thereof to be given by post or otherwise to the owner or master of the steam-vessel to which the certificate relates.

Fees for certificates of survey.

12. For every certificate of survey granted by the Local Government under this Act the owner or master of

of the steam-vessel surveyed shall pay to the officer through whom the certificate is delivered to him—

(*a*) a fee calculated on the tonnage of the steam-vessel according to the rates in the second schedule hereto annexed, or according to any other prescribed rates; and

(*b*) when the survey is made in any place of survey other than Calcutta, Madras, Bombay or Rangoon, such additional fee, in respect of the expense (if any) of the journey of the surveyor to the place, as the Local Government, from time to time, by notification in the official Gazette, directs.

Certificate of survey to be affixed in conspicuous part of steam-vessel.

13. The owner or master of every steam-vessel for which a certificate of survey has been granted under this Act shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed, and kept affixed so long as it remains in force and the steam-vessel is in use, on some conspicuous part of the steam-vessel where it may be easily read by all persons on board thereof.

Term of certificates of survey.

14. A certificate of survey granted under this Act shall not be in force—

(*a*) after the expiration of one year from the date thereof; or

(*b*) after the expiration of the period, if less than one year, for which the hull, boilers, engines or any of the equipments have been stated in the certificate to be sufficient; or

(*c*) after notice has been given by the Local Government, to the owner or master of the steam-vessel to which the certificate relates, that the Local Government has cancelled or suspended it.

Cancellation or suspension of certificate of survey by Local Government.

15. Any certificate of survey granted under this Act may be cancelled or suspended by a Local Government if it has reason to believe—

(*a*) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers,

boilers, engines or any of the equipments of the steam-vessel has been fraudulently or erroneously made; or

(*b*) that the certificate has otherwise been granted upon false or erroneous information; or

(*c*) that, since the making of the declaration, the hull, boilers, engines or any of the equipments of the steam-vessel have sustained any injury, or have otherwise become insufficient.

Power to require delivery of expired or cancelled certificate.

16. The Local Government may require any certificate of survey which has expired or has been cancelled or suspended to be delivered up to such person as it, from time to time, directs.

Report of cancellation or suspension of certain certificates.

17. If the Local Government which cancels or suspends a certificate of survey granted under this Act is not the Local Government which granted the certificate, the Local Government cancelling or suspending the certificate shall report the fact of cancellation or suspension, together with the reasons therefor, to the Local Government which granted the certificate.

Power for Local Government to direct that two surveyors be employed.

18. A survey under this Act shall ordinarily be made by one surveyor, but two surveyors may be employed if the Local Government, by order in writing, so directs, either generally in the case of all steam-vessels at any place of survey, or specially in the case of any particular steam-vessel or class of steam-vessels at any such place.

Power for Local Government to order a second survey.

19. (*1*) If the surveyor or surveyors making a survey under this Act refuses or refuse to give a declaration under section nine with regard to any steam-vessel, or gives or give a declaration with which the owner or master of the steam-vessel surveyed is dissatisfied, the Local Government may, on the application of the owner or master, direct two other surveyors appointed under this Act to survey the steam-vessel.

Section 19. the w master him o of th Gove

(*2*) The surveyors so directed shall forthwith survey the steam-vessel, and may, after the survey, either refuse

refuse to give a declaration or give such declaration as under the circumstances seems to them proper; and their decision shall be final.

Division of duties when two surveyors employed.

20. When a survey is made under either of the last two foregoing sections by two surveyors, each of the surveyors making the survey shall perform a prescribed portion of the duties assigned by this Act or the rules made under this Act to a surveyor making a survey.

Power for Local Government to make rules as to surveys.

21. (*1*) The Local Government may make rules to regulate the making of surveys under this Act.

(*2*) Rules under this section may, among other matters,—

(*a*) declare the times and places at which, and the manner in which, surveys are to be made;

(*b*) regulate the duties of the surveyor making a survey, and, where two surveyors are employed, assign the respective duties of each of the surveyors employed;

(*c*) declare the form in which the declarations of surveyors and certificates of survey granted under this Act are to be framed, and the nature of the particulars which are to be stated therein, respectively;

(*d*) fix the rates according to which the fees payable for certificates of survey are to be calculated in the case of all or any of the places of survey within the territories under its administration; and

(*e*) define the cases in, and the extent to, which under ordinary circumstances a survey may be dispensed with before the grant of a new certificate.

CHAPTER III.

Masters and Engineers of Inland Steam-vessels.

Appointment of examiners.

22. The Local Government may, from time to time, appoint persons for the purpose of examining the

qualifications of persons desirous of obtaining certificates of competency as masters or as engineers or engine-drivers of inland steam-vessels.

Grant of masters' certificates of competency.

23. (*1*) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as a first-class master or as a second-class master of an inland steam-vessel, as the case may be.

(*2*) Every certificate granted under this section shall be in the prescribed form.

Grant of engineers' and engine-drivers' certificates of competency.

24. (*1*) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as an engineer or as an engine-driver of an inland steam-vessel, as the case may be.

(*2*) Every certificate granted under this section shall be in the prescribed form.

Power for Local Government to require re-examination or further inquiry.

25. Before granting a certificate under either of the last two foregoing sections, the Local Government may, if it has reason to believe that the report of the examiners regarding any applicant has been unduly made, require a re-examination of the applicant or a further inquiry into his testimonials and character.

Certificates to be made in duplicate.

26. Every certificate of competency granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the prescribed manner.

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Copy of certificate to be granted in certain cases.

27. Whenever a master or an engineer or an engine-driver proves, to the satisfaction of the Local Government which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, by the record kept as provided by law, he appears to be entitled shall be granted to him, and shall have all the effect of the original.

Number of engineers and nature of certificates necessary in case of different steam-vessels.

28. (*1*) An inland steam-vessel having engines of eighty nominal horse-power or upwards shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a first-class master's certificate granted under this Act or a master's certificate granted under Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1883, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869; and

32 & 33 Vic., c. 11.

(*b*) as her engineer a person possessing an engineer's certificate granted under this Act or the Indian Steam-ships Act, 1884, or the Merchant Shipping Acts, 1854 to 1883, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

VII of 1884.

(*2*) An inland steam-vessel having engines of under eighty nominal horse-power shall not proceed on any voyage unless she has—

(*a*) as her master a person possessing a second-class master's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (*a*) of sub-section (*1*), and

(*b*) as her engineer a person possessing an engine-driver's certificate granted under this Act or the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (*b*) of sub-section (*1*):

VII of 1884.

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a second-class master's certificate and an engine-driver's certificate granted under this Act.

29. The

(*Chapter IV.—Investigations into Casualties.*)

Power for Local Government to make rules as to grant of certificates of competency.

29. The Local Government may make rules to regulate the granting of certificates of competency under this Act, and may by such rules—

(*a*) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters, engineers or engine-drivers under this Act;

(*b*) prescribe the qualifications to be respectively required of persons desirous of obtaining first-class masters' certificates, second-class masters' certificates, engineers' certificates and engine-drivers' certificates, respectively;

(*c*) fix the fees to be paid by all applicants for examination; and

(*d*) prescribe the form in which certificates are to be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

CHAPTER IV.

Investigations into Casualties.

Report of casualties to be made to Local Government.

30. (*1*) Whenever—

(*a*) any inland steam-vessel has been wrecked, abandoned or materially damaged, or

(*b*) by reason of any casualty happening to or on board of any inland steam-vessel, loss of life has ensued, or

(*c*) any inland steam-vessel has caused loss or material damage to any other vessel,

the master of the steam-vessel shall forthwith give notice of the wreck, abandonment, damage, casualty or loss to the officer in charge of the nearest police-station.

Power for Local Government to appoint special Court of Investigation.

31. (*1*) If in any case a formal investigation into the facts referred to in the last foregoing section appears to the Local Government to be requisite or expedient,

expedient, the Local Government may appoint a special Court, consisting of not less than two nor more than four persons, and direct the Court to make the investigation, and may fix the place for making the same.

(*2*) One of the members of the Court shall be a Magistrate; another shall be some person conversant with maritime affairs or the navigation of inland steam-vessels; and the other or others (if any) shall be conversant with either maritime or mercantile affairs or with the navigation of inland steam-vessels.

Power for principal Court of ordinary original jurisdiction to hold investigations into casualties when so directed.

32. Any principal Court of ordinary criminal jurisdiction and the Court of any District Magistrate may, when so directed by the Local Government, make the investigation referred to in the last foregoing section.

Power for Court of Investigation to inquire into charges against masters, engineers and engine-drivers.

33. (*1*) Any Court making an investigation under either of the last two foregoing sections may inquire into any charge of incompetency or misconduct arising in the course of the investigation against any master, engineer or engine-driver, as well as into any charge of a wrongful act or default on his part causing any wreck, abandonment, damage, casualty or loss referred to in section thirty.

(*2*) In every case in which any such charge, whether of incompetency or misconduct, or of a wrongful act or default as aforesaid, arises against any master, engineer or engine-driver in the course of an investigation, the Court shall, before the commencement of the inquiry into the charge, cause to be furnished to him a copy of the report or statement of the case upon which the investigation has been directed.

Local Government to direct investigation into charges of incompetency or misconduct.

34. (*1*) If the Local Government has reason to believe that there are grounds for charging any master, engineer or engine-driver of an inland steam-vessel with incompetency or misconduct, otherwise than

than in the course of an investigation under section thirty-one or section thirty-two, it may send a statement of the case to the principal Court of ordinary criminal jurisdiction, or the Court of the District Magistrate, at or nearest to the place at which it may be convenient for the parties and witnesses to attend, and may direct the Court to make an investigation into the charge.

(*2*) Before commencing the investigation, the Court shall cause the master or engineer or engine-driver so charged to be furnished with a copy of the statement sent by the Local Government.

Person accused to be heard

35. For the purpose of an investigation under this chapter into any charge against a master, engineer or engine-driver the Court may summon him to appear, and shall give him full opportunity of making a defence, either in person or otherwise.

Assessors.

36. (*1*) When any investigation involves, or appears likely to involve, any question as to the cancelling or suspension of the certificate of a master, engineer or engine-driver, the Court making the investigation shall constitute as its assessors, for the purposes of the investigation, two persons having experience in the merchant service or in the navigation of inland steam-vessels; and in every other investigation the Court making it may, if it thinks fit, constitute as its assessor, for the purposes of the investigation, any person conversant with maritime affairs or the navigation of inland steam-vessels and willing to act as assessor.

(*2*) Every person appointed under this section shall attend during the investigation and deliver his opinion in writing, to be recorded on the proceedings. But the exercise of all powers conferred on the Court by this Act shall rest with the Court.

Power of Court as to evidence and regulation of proceedings

37. For the purpose of any investigation under this chapter, the Court making the investigation, so far as relates to compelling the attendance and examination of

of witnesses and the production of documents and the regulation of the proceedings, shall have—

(*a*) if the Court is a special Court—the same powers as are exercisable by the principal Court of ordinary criminal jurisdiction for the place at which the investigation is made;

(*b*) if the Court is a principal Court of ordinary criminal jurisdiction or the Court of the District Magistrate—the same powers as are exercisable respectively by either Court in the exercise of its criminal jurisdiction.

Power to arrest witnesses and cause entry and detention of vessels.

38. (*1*) If any Court making an investigation under this chapter thinks it necessary for obtaining evidence that any person should be arrested, it may issue a warrant for his arrest, and may, for the purpose of effecting the arrest, authorize any officer (subject, nevertheless, to any general or special instructions from the Local Government) to enter any vessel.

(*2*) Any officer so authorized may, for the purpose of enforcing the entry, call to his aid any officers of Police or Customs, or any other persons, and may seize and detain the vessel for such time as is reasonably necessary to effect the arrest; and every such officer or other person shall be deemed to be a public servant within the meaning of the Indian Penal Code.

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(*3*) No person shall be detained by virtue of this section for more than forty-eight hours.

Power to commit for trial and bind over witnesses.

39. (*1*) Whenever, in the course of any investigation, it appears that any person has committed, within the jurisdiction of any Court in British India, an offence punishable under any law in force in British India, the Court making the investigation may (subject to such rules consistent with this Act as the High Court may, from time to time, prescribe) cause him to be arrested, or commit him or hold him to bail to take his trial before the proper Court: and may bind over any person to give evidence at the trial, and may,

for

for the purposes of this section, exercise all the powers of a Magistrate of the first class or of a Presidency Magistrate.

(*2*) For the purposes of this section the Recorder of Rangoon shall, within the local limits of the territories for the time being administered by the Chief Commissioner of British Burma, be deemed to be the High Court.

Depositions.

40. (*1*) Whenever, in the course of any such trial, the testimony of any witness is required in relation to the subject-matter, any deposition previously made by him in relation to the same subject-matter before any Court making an investigation under this chapter shall, if authenticated by the signature of the Magistrate or presiding Judge, be admissible in evidence on proof—

(*a*) that the witness cannot be found within the jurisdiction of the Court before which the trial is held; and

(*b*) that it was made in the presence of the person accused, and that he had an opportunity of cross-examining the witness.

(*2*) A certificate by the Magistrate or presiding Judge that the deposition was made in the presence of the accused and that he had that opportunity shall, unless the contrary be proved, be sufficient evidence that it was so made and that he had that opportunity.

Report by Court to Local Government.

41. The Court shall, in the case of every investigation under this chapter, transmit to the Local Government a full report of the conclusions at which it has arrived, together with the evidence.

Power to investigate causes of explosions on board inland steam-vessels.

42. (*1*) Whenever any explosion occurs on board any inland steam-vessel, the Local Government may, if it thinks fit, direct that an investigation into the cause of the explosion be made by such person or persons as it thinks fit.

(*2*) The person or persons so directed may enter into and upon the steam-vessel, with all necessary workmen

workmen and labourers, and remove any portion of the steam-vessel, or of the machinery thereof, for the purpose of the investigation, and shall report to the Local Government what in his or their opinion was the cause of the explosion.

(3) Every person making an investigation under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code.

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CHAPTER V.

SUSPENSION AND CANCELLATION OF MASTERS' AND ENGINEERS' CERTIFICATES.

Power for Local Government to suspend or cancel certificates in certain cases.

43. Any certificate granted under this Act to any master, engineer or engine-driver may be suspended or cancelled by the Local Government which granted it, or by any other Local Government, in the following cases, that is to say:—

(*a*) if, on any investigation made under this Act, the Court reports that the wreck or abandonment of, or loss or damage to, any inland steam-vessel, or loss of life, has been caused by his wrongful act or default, or that he is incompetent, or has been guilty of any gross act of drunkenness, tyranny or other misconduct; or

(*b*) if he is proved to have been convicted of any non-bailable offence; or

Section 43. follow

(*c*) if, in the case of a second-class master or an engine-driver, the master or engine-driver is or has become, in the opinion of the Local Government, unfit to act as a second-class master or engine-driver:

Provided that, in any case in which an investigation has been made into a charge against any master, engineer or engine-driver, a certificate shall not be suspended or cancelled under clause (*a*) of this section unless the Local Government is satisfied that the holder

holder of the certificate has been furnished before the commencement of the investigation with the copy of the report or statement required by section thirty-three or section thirty-four, as the case may be.

Obligation to deliver up cancelled or suspended certificate.

44. Every master, engineer or engine-driver whose certificate is cancelled or suspended under the last foregoing section shall deliver it to such person as the Local Government which cancelled or suspended it from time to time directs.

Report to other Local Governments.

45. If the Local Government which cancels or suspends a certificate under section forty-three is not the Local Government which granted the certificate, the Local Government so cancelling or suspending the certificate shall report the proceedings, and the fact of cancellation or suspension, to the Local Government which granted the certificate.

Power to revoke cancellation or suspension and to grant new certificate.

46. (*1*) Any Local Government may at any time revoke any order of cancellation or suspension which it may have made under section forty-three, or grant, without examination, to any person whose certificate it has so cancelled, a new certificate.

(*2*) A certificate so granted shall have the same effect as if it had been granted after examination.

CHAPTER VI.

PROTECTION OF INLAND STEAM-VESSELS FROM DANGER BY FIRE.

Power for Governor General in Council to declare dangerous goods.

47. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare what shall be deemed to be, for the purposes of this Act, dangerous goods.

Carriage of dangerous goods.

48. (*1*) A person shall not take with him on board an inland steam-vessel, and a person shall not deliver or tender for carriage on an inland steam-vessel, any dangerous goods without giving notice of their

their nature to the owner or master of the steam-vessel, or, in the case of goods delivered or tendered for carriage, without distinctly marking their nature on the outside of the package containing the goods.

(*2*) The owner or master of an inland steam-vessel may refuse to carry upon an inland steam-vessel any luggage or parcel which he suspects to contain dangerous goods, and may require the luggage or parcel to be opened to ascertain the fact previously to carrying the same; and, in case any such luggage or parcel is received for the purpose of being carried in any inland steam-vessel, the owner or master of the vessel may stop the transit thereof until he is satisfied as to the nature of its contents.

Power to throw overboard dangerous goods

49. Where any dangerous goods have been sent or brought on board any inland steam-vessel in contravention of the last foregoing section, the owner or master of the steam-vessel may, if he thinks fit, cause the goods to be thrown overboard, together with any package or receptacle in which they are contained, and neither the owner nor the master shall, in respect of his having so thrown the goods overboard, be subject to any liability, civil or criminal, in any Court.

Power for Local Government to make rules for protection of inland steam vessels from danger by explosion or fire.

50. (*1*) The Local Government may make rules for the protection of inland steam-vessels from danger by explosion or fire.

(*2*) Rules under this section may provide for the following among other matters, that is to say:—

(*a*) the conditions on, and subject to, which dangerous goods may be carried on board inland steam-vessels;

(*b*) the precautions to be taken to prevent explosions or fires on board inland steam-vessels; and

(*c*) the apparatus for the purpose of extinguishing fires which is to be kept on board inland steam-vessels.

(*3*) Any

(*3*) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

CHAPTER VII.

CARRIAGE OF PASSENGERS IN INLAND STEAM-VESSELS.

Power for Local Government to make rules for the regulation of the carriage of passengers in inland steam-vessels.

51. (*1*) The Local Government may make rules to regulate the carriage of passengers in inland steam-vessels.

(*2*) Rules under this section may provide for the following among other matters, that is to say :—

(*a*) the cases in which passengers may be refused admission to, or may be required to leave, inland steam-vessels;

(*b*) the payment of fares and the exhibition of tickets or receipts (if any) showing the payment of their fares by passengers in inland steam-vessels; and

(*c*) the regulation generally of the conduct of passengers in inland steam-vessels.

(*3*) Any rule under this section may contain a provision that any person committing a breach of it shall be punished with fine which may extend to twenty rupees.

(*4*) The master or any other officer of an inland steam-vessel, and any person called by him to his assistance, may arrest any person who has committed a breach of any rule made under this section, and whose name and address are unknown to the master or other officer.

(*5*) The procedure prescribed by section 59 of the Code of Criminal Procedure in the case of arrest by private X of 1882.

private persons shall apply to every arrest under this section.

CHAPTER VIII.

PENALTIES AND LEGAL PROCEEDINGS.

Penalty for inland steam-vessel making a voyage without certificate of survey.

52. (*1*) If any inland steam-vessel proceeds on a voyage in contravention of section six, the owner and master of the steam-vessel shall each be liable to a fine which may extend to one thousand rupees.

(*2*) If the master or any other officer on board of an inland steam-vessel which proceeds on a voyage in contravention of section six is a licensed pilot, he shall be liable to have his license as a pilot cancelled, or suspended for any period, by the Local Government, as the Local Government sees fit to order.

Penalty for neglect to affix certificate of survey in inland steam-vessel.

53. If the certificate of survey granted under this Act is not kept affixed in an inland steam-vessel in the manner provided by this Act, the owner and master of the steam-vessel shall each be liable to a fine which may extend to one hundred rupees.

Section 54.

Penalty for neglect or refusal to deliver up certificate of survey.

54. If the owner or master of an inland steam-vessel, without reasonable cause, neglects or refuses to deliver up a certificate of survey when required under this Act to do so, he shall be punished with fine which may extend to one hundred rupees.

Penalty for serving, or engaging a person to serve, as master, engineer or engine-driver without certificate.

55. (*a*) If any person who has been engaged to serve as master, engineer or engine-driver of an inland steam-vessel proceeds on any voyage in that steam-vessel as master, engineer or engine-driver, as the case may be, without being at the time entitled to, and possessed of, the certificate required under this Act, and

(*b*) if any person employs any person as a master, engineer or engine-driver of an inland steam-vessel without ascertaining that he is at the time entitled to, and possessed of, the master's, engineer's or engine-driver's certificate, as the case may be, required under this Act,

he

he shall be punished with fine which may extend to five hundred rupees.

Penalty for master failing to give notice of wreck or casualty.

56. If any master wilfully fails to give notice, as required by section thirty, of any wreck, abandonment, damage, casualty or loss, he shall be punished with fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

Penalty for master, engineer or engine-driver failing to deliver up cancelled or suspended certificate.

57. If any master, engineer or engine-driver whose certificate is cancelled or suspended under this Act fails to deliver the certificate to such person as the Local Government which cancelled or suspended it directs, he shall be punished with fine which may extend to five hundred rupees.

Penalty for taking dangerous goods on board inland steam-vessels without notice.

58. If any person, in contravention of section forty-eight, takes with him on board any inland steam-vessel any dangerous goods, or delivers or tenders any such goods for the purpose of being carried on any inland steam-vessel, he shall be punished with fine which may extend to two hundred rupees, and the goods shall be forfeited to Her Majesty.

Penalty for misconduct endangering inland steam-vessel or life or limb.

59. If any person employed or engaged in any capacity on board an inland steam-vessel by wilful breach of duty, or by neglect of duty, or by reason of drunkenness—

(*a*) does any act tending to the immediate wreck, destruction or material damage of the vessel, or tending immediately to endanger the life or limb of any person belonging to or on board the vessel, or

(*b*) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate wreck, destruction or material damage, or for preserving any person belonging to or on board of the vessel from immediate danger to life or limb,

he shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both.

60. Where

Distress of inland steam-vessels.

60. Where the owner or master of an inland steam-vessel is convicted of an offence under this Act or the rules made under this Act committed on board of, or in relation to, that steam-vessel, and sentenced to pay a fine, the Magistrate may, in addition to any other power he may have for the purpose of compelling payment of the fine, direct the amount thereof to be levied by distress and sale of the vessel and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Jurisdiction of Magistrates.

61. Except in the case of offences under rules made under section fifty-one, no Magistrate shall try an offence under this Act, or the rules under it, unless he is a Presidency Magistrate, or a Magistrate whose powers are not less than those of a Magistrate of the first class.

Place of trial.

62. If any person commits an offence against this Act or the rules made under this Act, he shall be triable for the offence in any place in which he may be found or which the Local Government, from time to time, by notification in the official Gazette, directs in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

Saving of prosecutions under other Acts.

63. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under this Act, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under this Act:

Provided that a person shall not be punished twice for the same offence.

CHAPTER IX.

SUPPLEMENTAL.

Power for Local Government to exempt

64. The Local Government may, from time to time, with the previous sanction of the Governor General

certain inland steam-vessels from Chapters II and III.

General in Council, by notification in the local official Gazette, declare that all or any of the provisions of Chapters II and III of this Act shall not apply in the case of any specified class of steam-vessels, or shall apply to them with such modifications as the Local Government prescribes.

Power for Local Government to define tidal water.

65. The Local Government may, from time to time, by notification in the official Gazette, define how much of any tidal water shall be deemed to be an inland water for the purposes of this Act.

Fees recoverable as fines.

66. All fees payable under this Act may be recovered as fines under this Act.

Exemption of Government vessels.

67. Nothing in this Act or in any rule made under this Act shall apply to any steam-vessel belonging to, or in the service of, Her Majesty or the Government of India.

Certificated masters of inland steam-vessels to be deemed pilots under Act XII of 1875.

68. Every master of an inland steam-vessel who possesses a master's certificate duly granted under this Act and then in force shall, in ports to which section 38 of the Indian Ports Act, 1875, has been extended, be deemed, for the purposes of that section, to be the pilot of the steam-vessel of which he is in charge. XII of 1875.

(*2*) Nothing in this section shall be deemed to affect the provisions of Bombay Act I of 1863, which require persons in charge of vessels passing through any of the channels or tidal channels at the mouths of the River Indus to pay fees for pilotage.

Procedure for making, publication and confirmation of rules.

69. (*1*) A Local Government making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the *Gazette of India*, prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The

(*4*) The Local Government shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) A rule made under this Act shall not take effect until it has been sanctioned by the Governor General in Council and published in the local official Gazette.

(*6*) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made and sanctioned.

(*7*) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

ACTS REPEALED.

(*See Section 3.*)

(*a*) *Acts of the Governor General in Council.*

Number and year.	Subject or short title.	Extent of repeal.
XVI of 1871 ...	The Burmese Steamer Survey Act ..	The whole.

(*b*) *Acts of the Governor of Bombay in Council.*

Number and year.	Subject or short title.	Extent of repeal.
II of 1864 ...	To provide for the periodical survey of steam-vessels in the ports, harbours, rivers or waters of the presidency of Bombay.	The whole, except section 15.
IV of 1873 ...	To amend Bombay Act II of 1864, providing for the periodical survey of steam-vessels, and to provide for the examination of engineers of steam-vessels.	The whole.

(*c*) *Acts of the Lieutenant-Governor of Bengal in Council.*

Number and year.	Subject or short title.	Extent of repeal.
V of 1862 ...	To provide for the periodical survey of steam-vessels in the port of Calcutta.	The whole.
I of 1868	The Steam-boat Survey Amendment Act, 1868.	So much as has not been repealed.
III of 1871 ...	To increase the fees for the survey of steam-vessels.	The whole.
VII of 1879 ...	To provide for the proper management of certain inland steam-vessels.	The whole.

THE SECOND SCHEDULE.

(*See Section* ~~14~~ 8A)

RATES OF FEES.

	Tons.	Rs.
For steam-vessels of less than	100	25
" " 100 tons and up to . .	200	40
" " 200 " " " . . .	350	50
" " 350 " " " . . .	700	60
" " 700 " " " . . .	1,000	80
" " 1,000 " " " . . .	1,500	100
" " 1,500 " and upwards . .	...	120

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THE INDIAN STEAM-SHIPS ACT, 1884.

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[*Price five annas and six pies.*]

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THE SCHEDULE.—RATES OF FEES.

ACT No. VII OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th February, 1884.)

An Act to amend the law relating to the Survey of Steam-ships and the Grant of Certificates to Engineers of those Ships.

WHEREAS it is expedient to amend the law relating to the survey of steam-ships and the grant of certificates to engineers of those ships; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. (*1*) This Act may be called the Indian Steam-ships Act, 1884; and

Extent.

(*2*) It extends to the whole of British India.

Commencement.

2. (*1*) This Act shall come into force on such day as the Governor General in Council, by notification in the *Gazette of India*, appoints:

(*2*) Provided that any notification, rule or appointment may be made under this Act at any time after the passing thereof, but, except in the case of a notification under section forty-two, sub-section (*2*), shall not take effect until the Act comes into force.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "steam-ship" means every description of vessel used in navigation and propelled wholly or in part by the agency of steam:

(*2*) "British steam-ship" includes a steam-ship registered under Act XIX of 1838, Act X of 1841 or Act XI of 1850, or under any other law passed by the Governor

Governor General in Council and for the time being in force for the registration of ships in India:

(*3*) "master" means any person (except a pilot or harbour-master) having for the time being control or charge of a steam-ship:

(*4*) "passenger" includes any person carried in a steam-ship other than the master and crew and the owner, his family and servants: and

(*5*) "prescribed" means prescribed by a rule made by the Local Government under this Act.

CHAPTER II.

SURVEY OF STEAM-SHIPS.

Steam-ship not to carry passengers without a certificate of survey.

4. A steam-ship shall not carry more than twelve passengers between places in British India, and

a British steam-ship shall not carry more than twelve passengers to or from any place in British India from or to any place out of British India,

unless she has a certificate of survey under this Act in force and applicable to the voyage on which she is about to proceed or the service on which she is about to be employed.

Exception of certain steam-ships.

5. Nothing in the last foregoing section shall apply to—

(*a*) any steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government, unless it appears from the certificate that it is inapplicable to the voyage on which the steam-ship is about to proceed, or the service on which she is about to be employed, or unless there is reason to believe that the steam-ship has, since the grant of the certificate, sustained injury or damage, or been found unseaworthy or otherwise inefficient; or

(*b*) any steam-ship having a certificate of survey granted under the Inland Steam-vessels Act, 1884, VI of 1884.

1884, in force and applicable to the voyage on which the steam-ship is about to proceed or the service on which she is about to be employed; or

(*c*) any steam-ship belonging to, or in the service of, Her Majesty or the Government of India; or

(*d*) any steam-ship belonging to any foreign Prince or State when employed mainly on the public service of the Prince or State; or

(*e*) any steam-ship carrying passengers during the interval between the time at which her certificate of survey under this Act expires and the time at which it is first practicable to have the certificate renewed.

Penalty for carrying passengers without certificate of survey.

6. (*1*) If any steam-ship carries or attempts to carry passengers in contravention of section four, the owner and master of the steam-ship shall each be liable to a fine which may extend to one thousand rupees.

(*2*) If the master or any other officer of any steam-ship which carries or attempts to carry passengers in contravention of section four is a licensed pilot, he shall be liable to have his license as a pilot cancelled or suspended for any period by the Local Government, as the Local Government sees fit to order.

No port-clearance until certificate of survey produced.

7. No officer of Customs shall grant a port-clearance, nor shall any pilot be assigned, to any steam-ship for which a certificate of survey is required by section four, until after the production by the owner or master thereof of a certificate under this Act in force and applicable to the voyage on which she is about to proceed and the service on which she is about to be employed.

Power to detain steam-ship not having certificate of survey.

8. If any steam-ship for which a certificate of survey is required by section four leaves or attempts to leave any port of survey without a certificate, any officer of Customs or any pilot on board the steam-ship may detain her until she obtains a certificate.

9. (*1*) The

Appointment of surveyors and ports of survey.

9. (*1*) The Local Government may, from time to time, appoint so many persons as it thinks fit to be surveyors for the purposes of this Act at such ports within the territories under its administration as it, from time to time, appoints to be ports of survey.

(*2*) Every surveyor appointed under this Act may be suspended or removed by the Local Government which appointed him.

(*3*) Every surveyor appointed under this Act shall, for the purposes of any survey made by him, be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Powers of surveyor.

10. (*1*) For the purposes of a survey under this Act, any surveyor appointed under this Act may, at any reasonable time, go on board a steam-ship, and may inspect the steam-ship and every part thereof, and the machinery, equipments or articles on board thereof:

Provided that he does not unnecessarily hinder the loading or unloading of the steam-ship, or unnecessarily detain or delay her from proceeding on any voyage.

(*2*) The owner, master and officers of the steam-ship shall afford to the surveyor all reasonable facilities for a survey, and all such information respecting the steam-ship and her machinery and equipments, or any part thereof, respectively, as he reasonably requires.

Declaration of surveyor.

11. When a survey under this Act is completed, the surveyor making it shall forthwith, if satisfied that he can with propriety do so, give to the owner or master of the steam-ship surveyed a declaration in the prescribed form containing the following particulars, namely:—

(*a*) that the hull and machinery of the steam-ship are sufficient for the service intended and in good condition;

(*b*) that the equipments of the steam-ship and the certificates of the master, mate or mates, and engineer or engineers or engine-driver,

driver, are such and in such condition as are required by any law for the time being in force and applicable to the steam-ship;

(*c*) the time (if less than one year) for which the hull, machinery and equipments of the steam-ship will be sufficient;

(*d*) the limit (if any) beyond which, as regards the hull, machinery or equipments, the steam-ship is in the surveyor's judgment not fit to ply;

(*e*) the number of passengers which the steam-ship is, in the judgment of the surveyor, fit to carry, distinguishing, if necessary, between the respective numbers to be carried on the deck and in the cabins and in different parts of the deck and cabins; the number to be subject to such conditions and variations, according to the time of year, the nature of the voyage, the cargo carried or other circumstances, as the case requires; and

(*f*) any other prescribed particulars.

Sending of declaration by owner or master to Local Government.

12. (*1*) The owner or master to whom a declaration is given under the last foregoing section shall, within fourteen days after the date of the receipt thereof, send the declaration to such officer as the Local Government, from time to time, appoints in this behalf.

(*2*) If he fails to do so, he shall forfeit a sum not exceeding five rupees for every day during which the sending of the declaration is delayed.

(*3*) The owner or master shall pay the sum so forfeited on the delivery of the certificate of survey ~~in addition to the fee payable for the certificate~~.

Grant of certificate of survey by Local Government.

13. (*1*) Upon receipt of a declaration by the officer appointed in this behalf under the last foregoing section, the Local Government shall, if satisfied that the provisions of this Act have been complied with, cause a certificate in duplicate to be prepared and delivered,

delivered, through such officer at the port at which the steam-ship was surveyed as the Local Government, from time to time, appoints in this behalf, to the owner or master of the steam-ship surveyed, on his applying and paying the fees and other sums (if any) mentioned in this Act as payable on delivery of a certificate.

(*2*) A certificate granted under this section shall be in such form as the Governor General in Council from time to time, directs; shall contain a statement to the effect that the provisions of this Act with respect to the survey of the steam-ship and the transmission of the declaration in respect thereof have been complied with; and shall set forth—

(*a*) the particulars concerning the steam-ship which clauses (*c*), (*d*) and (*e*) of section eleven require the declaration by the surveyor to contain; and

(*b*) any other prescribed particulars.

(*3*) When a certificate is ready for delivery under this section, the Local Government shall cause notice thereof to be given by post or otherwise to the owner or master of the steam-ship to which the certificate relates.

Fees for certificates of survey.

14. For every certificate of survey granted by the Local Government under this Act the owner or master of the steam-ship surveyed shall pay to the officer through whom the certificate is delivered to him—

(*a*) a fee calculated on the tonnage of the steam-ship according to the rates in the schedule hereto annexed or according to any other prescribed rates; and

(*b*) when the survey is made in any port of survey other than Calcutta, Madras, Bombay or Rangoon, such additional fee, in respect of the expense, if any, of the journey of the surveyor to the port, as the Local Government, from time to time, by notification in the official Gazette, directs.

15. (*1*) The

Certificate of survey to be affixed in conspicuous part of steam-ship.

15. (*1*) The owner or master of every steam-ship for which a certificate of survey has been granted under this Act shall forthwith, on the receipt of the certificate, cause one of the duplicates thereof to be affixed, and kept affixed so long as the certificate remains in force and the steam-ship is in use, on some conspicuous part of the steam-ship where it may be easily read by all persons on board thereof.

(*2*) If the certificate is not so kept affixed, the owner and master of the steam-ship shall each be liable to a fine which may extend to one hundred rupees.

Term of certificates of survey.

16. A certificate of survey granted under this Act shall not be in force—

(*a*) after the expiration of one year from the date thereof; or

(*b*) after the expiration of the period, if less than one year, for which the hull, boilers, engines or any of the equipments have been stated in the certificate to be sufficient; or

(*c*) after notice has been given, by the Local Government, to the owner or master of the steam-ship to which the certificate relates, that the Local Government has cancelled or suspended it.

Cancellation or suspension of certificate of survey by Local Government.

17. Any certificate of survey granted under this Act may be cancelled or suspended by a Local Government if it has reason to believe—

(*a*) that the declaration by the surveyor of the sufficiency and good condition of the hull, boilers, engines or any of the equipments of the steam-ship has been fraudulently or erroneously made; or

(*b*) that the certificate has otherwise been issued upon false or erroneous information; or

(*c*) that, since the making of the declaration, the hull, boilers, engines or any of the equipments of the steam-ship have sustained any injury, or have otherwise become insufficient.

18. (*1*) The

Power to require delivery of expired or cancelled certificates of survey.

18. (*1*) The Local Government may require any certificate of survey granted under this Act which has expired, or has been cancelled or suspended, to be delivered up to such person as it, from time to time, directs.

(*2*) If the owner or master of a steam-ship, without reasonable cause, neglects or refuses to deliver up a certificate as required under this section, he shall be punished with fine which may extend to one hundred rupees.

Report of cancellation or suspension of certain certificates.

19. If the Local Government which cancels or suspends a certificate of survey granted under this Act is not the Local Government which granted the certificate, the Local Government cancelling or suspending the certificate shall report the fact of cancellation or suspension, together with the reasons therefor, to the Local Government which granted the certificate.

Ditto.

Power for Local Government to direct that two surveyors be employed.

20. A survey under this Act shall ordinarily be made by one surveyor, but two surveyors may be employed if the Local Government, by order in writing, so directs, either generally in the case of all steam-ships at any port of survey, or specially in the case of any particular steam-ship or class of steam-ships at any such port.

Power for Local Government to order a second survey.

21. (*1*) If the surveyor or surveyors making a survey under this Act refuses or refuse to give a declaration under section eleven with regard to any steam-ship, or gives or give a declaration with which the owner or master of the steam-ship surveyed is dissatisfied, the Local Goverment may, on the application of the owner or master, direct two other surveyors appointed under this Act to survey the steamship.

XI of 1899

(*2*) The surveyors so directed shall forthwith survey the steam-ship, and may, after the survey, either refuse to give a declaration or give such declaration as under the circumstances seems to them proper; and their decision shall be final.

22. When

Division of duties when two surveyors employed.

22. When a survey is made under either of the last two foregoing sections by two surveyors, each of the surveyors making the survey shall perform a prescribed portion of the duties assigned by this Act or the rules made under this Act to a surveyor making a survey.

Survey of foreign steam-ships.

23. When a foreign steam-ship requires to be furnished with a certificate of survey under this Act, and the Local Government is satisfied, by the production of a certificate of survey attested by a British Consular Officer at the port of survey, that the ship has been officially surveyed at a foreign port, and that the requirements of this Act are proved by that survey to have been substantially complied with, the Local Government may, if it thinks fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give a certificate which shall have the same effect as a certificate given after survey under this Act:

Provided that this section shall not apply in the case of an official survey at any foreign port with respect to which Her Majesty has by Order in Council directed that section 19 of the Merchant Shipping Act, 1876, shall not apply.

39 & 40 Vic., c. 80.

Power for Local Government to make rules as to surveys.

24. (*1*) The Local Government may make rules to regulate the making of surveys under this Act.

(*2*) Rules under this section may, among other matters,—

(*a*) declare the times and places at which, and the manner in which, surveys are to be made;

(*b*) regulate the duties of the surveyor making a survey and, where two surveyors are employed, assign the respective duties of each of the surveyors employed;

(*c*) declare the form in which the declarations of surveyors and certificates of survey under this Act are to be framed, and the nature of the

the particulars which are to be stated therein, respectively; and

(*d*) fix the rates according to which the fees payable for certificates of survey are to be calculated in the case of all or any of the ports of survey within the territories under its administration.

Power for Local Government to exempt certain steam-ships.

25. The Local Government may, from time to time, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that all or any of the provisions of this chapter shall not apply in the case of any specified class of steam-ships, or shall apply to them with such modifications as the Local Government prescribes.

CHAPTER III.

EXAMINATION AND CERTIFICATES OF ENGINEERS AND ENGINE-DRIVERS.

Appointment of examiners.

26. The Local Government may, from time to time, appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency as engineers or engine-drivers.

Grant of engineers' and engine-drivers' certificates of competency.

27. (*1*) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as a first-class engineer, or as a second-class engineer, or as an engine-driver, as the case may be:

Provided that the Local Government may, in any case in which it has reason to believe that the report has been unduly made, require, before granting a certificate, a re-examination of the applicant or a further inquiry into his testimonials and character.

(*2*) Every certificate granted under this section shall be in the prescribed form.

28. Notwithstanding

V of 1883.

Power for Local Government to cancel engine-drivers' certificates.

28. Notwithstanding anything contained in the Indian Merchant Shipping Act, 1883, or any other law for the time being in force, the Local Government may at any time, without any formal investigation, suspend or cancel any engine-driver's certificate granted by it under this Act, if in its opinion the holder is, or has become, unfit to act as an engine-driver.

Certificates to be made in duplicate.

29. Every certificate of competency granted under this Act shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the prescribed manner.

Copy of certificate to be granted in certain cases.

30. Whenever an engineer or engine-driver proves to the satisfaction of the Local Government which granted his certificate that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, by the record kept as provided by law, he appears to be entitled shall be granted to him, and shall have all the effect of the original.

Steam-ships required to carry first-class and second-class engineers.

31. (*1*) A British steam-ship shall not proceed from any port in British India to any port or place not being either in British India, or on the continent of India, or in the Island of Ceylon, unless she has,—

(*a*) if the steam-ship has engines of one hundred nominal horse-power or upwards, as her first and second engineers two certificated engineers, the first possessing a first-class engineer's certificate and the second a second-class engineer's certificate or a certificate of the higher grade, granted under this Act or the Merchant Shipping Acts, 1854 to 1883, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869;

32 & 33 Vic., c. 11.

(*b*) if the steam-ship has engines of under one hundred nominal horse-power, as her only or first engineer an engineer possessing a second-class engineer's certificate or a certificate

ficate of the higher grade of the nature referred to in clause (*a*).

(*2*) A foreign steam-ship having engines of fifty nominal horse-power or upwards shall not carry passengers from any port in British India to any other port in British India, and a British steam-ship having engines of a like horse-power shall not proceed from any port in British India to any other port in British India or to any port or place on the continent of India or in the Island of Ceylon, unless she has as her only or first engineer an engineer possessing a second-class engineer's certificate or a certificate of the higher grade of the nature referred to in clause (*a*) of sub-section (*1*).

Power for Local Government to ships to carry engine-drivers.

32. (*1*) On and from such day as the Local Government, by notification in the official Gazette, directs in this behalf, a foreign steam-ship having engines of under fifty nominal horse-power shall not carry passengers from any port within the territories administered by that Local Government to any other port in British India, and a British steam-ship having engines of a like horse-power shall not proceed from any port within those territories to any other port in British India or to any port or place on the continent of India or in the Island of Ceylon, unless she has as her engineer a person possessing an engine-driver's certificate granted under this Act or an engineer's certificate of either of the grades referred to in the last foregoing section.

(*2*) The Local Government may at any time, by a like notification, cancel any notification issued by it under this section.

Exemption of inland steam-vessels.

33. Nothing in section thirty-one or section thirty-two shall apply to any steam-ship to which the provisions of the Inland Steam-vessels Act, 1884, are applicable. VI of 1884.

Penalty for serving, or engaging a

34. (*a*) If any person who has been engaged to serve in any of the capacities referred to in section thirty-one

thirty-one or section thirty-two in any steam-ship to which those sections apply, respectively, proceeds in the steam-ship in that capacity without being at the time entitled to, and possessed of, the certificate required by those sections, and

Person to serve, as engineer or engine-driver without a certificate.

(*b*) if any person employs any person in any capacity referred to in section thirty-one or section thirty-two in any steam-ship to which those sections apply, respectively, without ascertaining that he is at the time entitled to, and possessed of, the certificate required by those sections,

he shall be punished with fine which may extend to five hundred rupees.

Production of certificates.

35. The provisions of Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) with respect to the certificates of competency or service of the master and mate contained in section 31 and section 32 of that Act shall apply to certificates of competency granted under this Act in the same manner as if certificates of competency granted to engineers under this Act were specially mentioned and included in those sections.

Power for Local Government to make rules as to grant of certificates of competency.

36. The Local Government may make rules to regulate the granting of certificates of competency under this Act, and may by such rules—

(*a*) provide for the conduct of the examinations of persons desirous of obtaining certificates of competency as engineers or engine-drivers under this Act;

(*b*) prescribe the qualifications to be respectively required of persons desirous of obtaining first-class engineers' certificates, second-class engineers' certificates and engine-drivers' certificates, respectively;

(*c*) fix the fees to be paid by all applicants for examination; and

(*d*) prescribe the form in which certificates are to

be

be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

CHAPTER IV.

INVESTIGATIONS INTO EXPLOSIONS.

Power to investigate causes of explosions on board steam-ships.

37. (*1*) Whenever any explosion occurs on board any steam-ship on or near the coasts of British India, the Local Government may, if it thinks fit, direct that an investigation into the cause of the explosion be made by such person or persons as it thinks fit.

(*2*) The person or persons so directed may enter into and on the steam-ship, with all necessary workmen and labourers, and remove any portion of the steam-ship, or of the machinery thereof, for the purpose of the investigation, and shall report to the Local Government what, in his or their opinion, was the cause of the explosion.

(*3*) Every person making an investigation under this section shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

CHAPTER V.

SUPPLEMENTAL.

Jurisdiction of Magistrate.

38. No Magistrate shall try any offence under this Act unless he is a Presidency Magistrate or a Magistrate whose powers are not less than those of a Magistrate of the first class.

Place of trial.

39. If any person commits an offence against this Act, he shall be triable for the offence in any place in which he may be found, or which the Local Government, from time to time, by notification in the official Gazette, directs in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

Distress of steam-ship.

40. Where the owner or master of a steam-ship is adjudged under this Act to pay a fine for an offence committed

committed with, or in relation to, that steam-ship, the Court may, in addition to any other power it may have for the purpose of compelling payment of the fine, direct that it be levied by distress and sale of the steam-ship, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Amendment of section 18 of Act VIII of 1876.

41. In section 18, clause (*b*), of the Native Passenger Ships Act, 1876, for the words "six months" the words "one year" shall be substituted; and after the word "sailing" the words "in force and applicable to the voyage on which the ship is about to proceed or the service on which she is about to be employed" shall be added.

VIII of 1876.

Procedure for making, publication and confirmation of rules.

42. (*1*) A Local Government making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the *Gazette of India*, prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The Local Government shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) A rule made under this Act shall not take effect until it has been sanctioned by the Governor General in Council and published in the local official Gazette.

(*6*) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive evidence that it has been duly made and sanctioned.

(*7*) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE SCHEDULE.

THE SCHEDULE.

(*See Section ~~14~~ 10A*)

RATES OF FEES.

			Tons.	Rs.
For steam-ships of less than			200	40
,,	,,	200 tons and up to	350	50
,,	,,	350 ,, ,, ,,	700	60
,,	,,	700 ,, ,, ,,	1,000	80
,,	,,	1,000 ,, ,, ,,	1,500	100
,,	,,	1,500 ,, and upwards	...	120

Schedule.—In the schedule for the words and figures "*See section 14*" substitute the words, figures and letter "*See section 10A*".	.....

Government of India Central Printing Office.—No. 730 L.D.—15-3-84.—3,700.

ACT No. VIII OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd May, 1884.)

Serial No. 76

An Act to repeal Bengal Regulation XIX of 1810 within the territories administered by the Lieutenant-Governor of the North-Western Provinces.

WHEREAS the provisions of Bengal Regulation XIX of 1810 (*for the due appropriation of the rents and produce of lands granted for the support of mosques, Hindu temples, colleges and other purposes; for the maintenance and repair of bridges, saráis, kattras and other public buildings; and for the custody and disposal of nazúl property or escheats*), are, in so far as they are still in force within the territories administered by the Lieutenant-Governor of the North-Western Provinces, either obsolete or unnecessary, and it is therefore expedient entirely to repeal the Regulation within those territories; It is hereby enacted as follows:—

Repeal of Bengal Regulation XIX of 1810 in the North-Western Provinces.

1. Bengal Regulation XIX of 1810 is hereby repealed within the territories administered by the Lieutenant-Governor of the North-Western Provinces.

[*Price one anna.*]

Government of India Central Printing Office.—No. 32 L. D.—26-5-84.—2,700.

ACT No. IX OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th May, 1884.)

An Act to amend the Legal Practitioners' Act, 1879, and the Indian Stamp Act, 1879.

WHEREAS it is expedient to amend the Legal Practitioners' Act, 1879, in manner in this Act appearing; XVIII of 1879.

and whereas it is also expedient to amend the Indian Stamp Act, 1879, in so far as it relates to the duty chargeable on the enrolment of legal practitioners; I of 1879.

It is hereby enacted as follows:—

Short title and commencement.

1. *(1)* This Act may be called the Legal Practitioners' Act, 1884; and

(2) It shall come into force at once.

Amendment of section 4 of Act XVIII of 1879.

2. In section 4 of the Legal Practitioners' Act, 1879, for the words "as an advocate on the roll of the Chief Court of the Panjáb" the words "under section 41 of this Act" shall be substituted. XVIII of 1879.

Addition of a proviso to section 13 of same Act.

3. To section 13 of the same Act the following proviso shall be added:—

"Provided that where the party is—

(a) a pardánashín woman, or

(b) unable for any sufficient cause to instruct the pleader in person,

nothing in this section shall make a pleader liable to suspension or dismissal merely by reason that he has taken instructions from a relative or friend authorised by the party to give such instructions and not receiving any remuneration in respect thereof."

Amendment of section 14 of same Act.

4. In section 14 of the same Act, before the words "any District Magistrate" the words "any Judge of a Court of Small Causes of a Presidency-town" shall be inserted.

5. In

[*Price one anna and six pies.*]

Amendment of section 25 of same Act.

5. In section 25 of the same Act, after the word "annexed" the words "and of such description as the Local Government may from time to time prescribe" shall be inserted.

Amendment of section 27 of same Act.

6. To the first clause of section 27 of the same Act the following shall be added, namely:—"and in respect of the fees of his adversary's revenue-agent appearing, pleading or acting under section 10."

Amendment of section 38 of same Act.

7. In section 38 of the same Act, for the words "by the Chief Court of the Panjáb" the words "under section 41 of this Act" shall be substituted.

New section substituted for section 41 of same Act.

8. For section 41 of the same Act the following section shall be substituted, namely:—

Power for certain High Courts to enrol advocates.

"41. *(1)* A High Court not established by Royal Charter may, from time to time, with the previous sanction of the Local Government, make rules as to the qualifications and admission of proper persons to be advocates of the Court, and, subject to such rules, may enrol such and so many advocates as it thinks fit.

"*(2)* Every advocate so enrolled shall be entitled to appear for the suitors of the Court, and to plead or to act, or to plead and act, for those suitors, according as the Court may by its rules determine, and subject to those rules.

"*(3)* The High Court may dismiss any advocate so enrolled or suspend him from practice.

"*(4)* Provided that an advocate shall not be dismissed or suspended under this section unless he has been allowed an opportunity of defending himself before the High Court which enrolled him, and, except in the case of the Chief Court of the Panjáb, unless the order of the High Court dismissing or suspending him has been confirmed by the Local Government."

New section added to same Act.

9. To the same Act the following section shall be added, namely:—

Repeal of Acts I of 1846 and XX of 1853

"42. Act I of 1846 *(for amending the law regarding the appointment and remuneration of pleaders in the Courts of the East India Company)* and Act XX of

of 1853 *(to amend the law relating to pleaders in the Courts of the East India Company)* are repealed."

Amendment of Schedules I & II of Act I of 1879. (Duty on enrolment of advocates.)

10. *(1)* In Article 27 of Schedule I of the Indian Stamp Act, 1879, after the words "in exercise of powers conferred on such Court by letters patent," the words "or by the Legal Practitioners' Act, 1884," shall be inserted; and I of 1879.

(2) In clause *(a)* of Article 11 of Schedule II of the same Act, the words "established by Royal Charter" shall be repealed.

77

Government of India Central Printing Office.—No. 52 L. D.—7-6-84.—3,700.

ACT No. X OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th June, 1884.)

An Act to amend the Burma Courts Act, 1875.

WHEREAS it is expedient to amend the Burma Courts Act, 1875; It is hereby enacted as follows:— VII of 1875.

Short title. 1. *(1)* This Act may be called the Burma Courts Act, 1884; and

Commencement. *(2)* It shall come into force at once.

Definition of "section." 2. In this Act, unless there is something repugnant in the subject or context, "section" means a section of the Burma Courts Act, 1875. VII of 1875.

Alteration of names of certain Courts. 3. *(1)* In section 6, in clause (*a*), for the words "Extra Assistant Commissioner of the third class" the word "Myo-ôk" shall be substituted, and in clause (*b*), the words "of the second class, the Extra Assistant Commissioner of the first class" shall be omitted.

(2) In the table subjoined to section 12, in clause (*a*), for the words "Extra Assistant Commissioner of the third class" the word "Myo-ôk" shall be substituted, and in clause (*b*), the words "of the second class, the Court of the Extra Assistant Commissioner of the first class" shall be omitted.

(3) In section 13, the words "of the first or second class" shall be omitted.

(4) The substitutions and omissions made by this section

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section shall be deemed to have been made from the thirty-first day of March, 1882.

Substitution of new section for section 8.

4. For section 8 the following section shall be substituted :—

"8. The Governor General in Council may, from time to time, vary the number of the Courts mentioned in clauses (*c*), (*d*), (*e*) and (*f*) of section six, and the Chief Commissioner may, from time to time, vary the number of the Courts mentioned in clauses (*a*) and (*b*) of the same section."

Substitution of new sec-

5. For section 9 the following section shall be substituted :—

"9. The Chief Commissioner may, from time to time, vary the local limits of the jurisdiction of any Court mentioned in section six, clauses (*a*) and (*b*), and, with the previous sanction of the Governor General in Council, of any Court mentioned in section six, clauses (*c*), (*d*), (*e*) and (*f*)."

Insertion of section after section 9.

6. After section 9 the following section shall be inserted, namely :—

Validation of certain proceedings already taken.

"9A. Any order heretofore passed, or decree made or proceeding taken by any Civil Court in British Burma acting as if it had the jurisdiction of a Court mentioned in section six, clause (*a*) or clause (*b*), shall not be invalid merely because the Court was established by the Chief Commissioner instead of by the Governor General in Council, or because the local limits of its jurisdiction were varied by the Chief Commissioner without the previous sanction of the Governor General in Council, or because any person not an Extra Assistant Commissioner has been appointed to be the presiding officer of the Court of an Extra Assistant Commissioner."

Amendment of section 23

7. In section 23 the following amendments shall be made, namely :—

(*a*) after the word "Commissioner," each time it occurs, the words "or Deputy Commissioner,"

(*b*) after

(*b*) after the words "Judicial Commissioner," the first time they occur, the words "or Commissioner respectively," and

(*c*) after the words "Judicial Commissioner," the second time they occur, the words "or Commissioner,"

shall be respectively inserted.

Insertion of section after section 23.

8. After section 23 the following section shall be inserted, namely :—

Power for Chief Commissioner to invest Assistant Commissioners with appellate powers.

"23A. The Chief Commissioner may invest any Assistant Commissioner with power to hear appeals from decrees and orders in original suits and proceedings of any Court mentioned in section six, clause (*a*) or (*b*).

"The Chief Commissioner may withdraw the power with which any Assistant Commissioner has been invested under this section."

Substitution of new section for section 38.

9. For section 38 the following section shall be substituted, namely :—

"38. The presiding officer of the Court of the Judicial Commissioner shall be appointed by the Governor General in Council.

"The presiding officers of all the Courts mentioned in section six, clauses (*a*), (*b*), (*c*), (*d*) and (*e*), may be appointed by the Chief Commissioner."

Substitution of new section for section 39.

10. For section 39 the following section shall be substituted, namely :—

"39. The presiding officer of any Court mentioned in section 6, clauses (*a*) to (*f*), both inclusive, may be suspended or removed by the Governor General in Council.

"The presiding officer of any such Court, except the Court of the Judicial Commissioner, may be suspended or removed by the Chief Commissioner."

Amendments of sections 76 and 80.

11. The following addition and insertion shall be deemed to have been made to, and in, sections 76 and 80,

80, respectively, of the Burma Courts Act, 1875, immediately after the passing of that Act, namely :— XVII of 1875

(*a*) To section 76—

"Provided that, if in the opinion of both Courts the point as to which they differ ought to be referred to the High Court, it shall be so referred in manner provided by section eighty, clause (*b*), and thereupon sections eighty-one and eighty-two shall apply."

(*b*) In section 80, after the words "without a Commissioner" the words "and not being cases provided for by section 76."

New section to follow section 94.

12. After section 94 the following section shall be inserted, namely :—

Language of Rangoon Small Cause Court.

"**94A.** Notwithstanding anything contained in the Code of Civil Procedure, all or any proceedings, written or oral, before any person appointed under section 94 of this Act and section 15 of Act XI of 1865 to exercise the powers of a Judge of a Court of Small Causes in the Small Cause Court at Rangoon, shall be in such language as the Chief Commissioner may, from time to time, prescribe."

Government of India Central Printing Office.—No. 66 L.D.—24-6-84.—2,700.

ACT No. XI OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th June, 1884.)

An Act to amend the Sindh Incumbered Estates Act, 1881.

XX of 1881.

WHEREAS it is expedient to amend the Sindh Incumbered Estates Act, 1881, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title. Commencement.

1. This Act may be called the Sindh Incumbered Estates Act, 1884; and shall come into force at once.

Definition of zamíndár in Act XX of 1881 amended.

XX of 1881.

2. To the definition of zamíndár in the Sindh Incumbered Estates Act, 1881, the following shall be added, namely:—"and a person holding lands in Sindh which, having been comprised in the jághír lands of a jághírdár, and having ceased to be jághír lands, are assessed by the Government on account of land-revenue at a sum not less than three hundred rupees per year, and, where a joint family or any other body of co-owners holds lands of either of those descriptions, each member of that family or body who would be entitled to demand a partition of the lands."

New section to follow section 5 of same Act.

3. After section 5 of the said Act the following section shall be inserted, that is to say:—

Interim order of protection.

"5A. When the Commissioner has directed an inquiry under section five, he may, if he thinks fit, further direct that, until he dismisses the application or appoints an officer under section seven,—

"(*a*) all proceedings then pending in any Civil Court or Revenue Court or Office in British India in respect of any of the debts and liabilities to which the debtor is subject, or which

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which are charged on the whole or any part of his immoveable property, shall be stayed, and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended; and

"(*b*) no fresh proceedings, processes, executions or attachments shall be instituted in or issued by any Civil Court or Revenue Court or Office in British India in respect of such debts and liabilities."

Amendment of section 8 of same Act.

4. In section 8, after the words "all immoveable property" the words "including any interest in joint immoveable property" shall be inserted.

Amendment of section 9 of same Act.

5. In section 9 of the same Act, after the words "Civil Court," in both places where they occur, the words "or Revenue Court or Office" shall be inserted.

New section to follow section 24 of same Act.

6. After section 24 of the said Act the following shall be inserted:—

Separation of part of jághír lands subject to lapse.

"24A. When jághír land under management is held on this condition, that on the happening of a certain event a share of the land shall lapse, but that it shall be in the discretion of the person then entitled as jághírdár to divide off and relinquish in respect of the lapse such part of the land, being a fair equivalent of that share, as he thinks fit, the manager may, if he deems it convenient for the better exercise of the powers conferred by sections twenty-three and twenty-four, at any time, after such consultation with persons interested as he thinks necessary, allot by written order, for relinquishment on the happening of the event, such part of the land as he thinks fit; and thereupon that part and no other shall, on the happening of the event, be relinquished."

Amendment of section 27 of same Act.

7. In section 27 of the said Act, after the words "Civil Court" the words "or Revenue Court or Office" shall be inserted.

8. *(1)* When

Time for making applications under same Act.

8. *(1)* When any person would not have been a zamíndár within the meaning of the said Act before the passing of this Act, but is a zamíndár within the meaning of the said Act as amended by this Act, an application in respect of his estate under section 4 of the said Act may be made at any time within six months from the passing of this Act.

(2) A member of a joint family or other body of co-owners holding zamíndárí land shall, for the purposes of this section, be deemed to be a person who would not have been a zamíndár within the meaning of the said Act before the passing of this Act.

Order of management under same Act to be deemed in accordance with law.

9. Every order of management made under the said Act whether before or after the passing of this Act shall be deemed to have been made in accordance with law.

Power to revise scheme of management under same Act.

10. Notwithstanding anything contained in the said Act, the Commissioner may, at any time after he has, whether before or after the passing of this Act, sanctioned a liquidation-scheme under the said Act, revise and modify the same, but not so as to affect the right of any person to receive in full before the termination of the management the amount finally awarded to him under Chapter IV of the said Act.

Government of India Central Printing Office.—No. 73 L. D.—10-7-84.—3,700.

ACT No. XII OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th July, 1884.)

An Act to amend and provide for the extension of the Northern India Takkáví Act, 1879.

WHEREAS it is expedient to amend the Northern India Takkáví Act, 1879, and provide for its extension to any part of British India; It is hereby enacted as follows:— X of 1879.

1. (*1*) This Act may be called the Agriculturists' Loans Act, 1884; and Short title.

(*2*) It shall come into force on the first day of August, 1884. Commencement.

2. (*1*) This section and section 3 extend to the whole of British India. Local extent.

(*2*) The rest of this Act extends in the first instance only to the territories respectively administered by the Governor of Bombay in Council, the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer.

(*3*) But any other Local Government may, from time to time, by notification in the official Gazette, extend the rest of this Act to the whole or any part of the territories under its administration.

3. (*1*) On and from the day on which this Act comes into force, the Northern India Takkáví Act, 1879, and sections 4 and 5 of the Bombay Revenue Jurisdiction Act, 1880, shall, except as regards the recovery of advances made before this Act comes into force and of the interest thereon, be repealed. Repeal of Act X of 1879, and sections 4 and 5 of Act XV of 1880. X of 1879. XV of 1880.

(*2*) All

[*Price one anna and three pies.*]

(*2*) All rules made under those Acts shall be deemed to be made under this Act.

Power for Local Government

4. (*1*) The Local Government may, from time to time, with the previous sanction of the Governor General in Council, make rules as to loans to be made to owners and occupiers of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Loans Act, 1883, but connected with agricultural objects. XIX of 1883

(*2*) All such rules shall be published in the local official Gazette.

Recovery of loans.

5. Every loan made in accordance with such rules, all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same, shall, when they become due, be recoverable from the person to whom the loan was made, or from any person who has become surety for the repayment thereof, as if they were arrears of land-revenue or costs incurred in recovering the same due by the person to whom the loan was made or by his surety.

Liability of joint borrowers as among themselves

6. When a loan is made under this Act to the members of a village-community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked or sealed by each of them or his agent duly authorised in this behalf and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

Government of India Central Printing Office.—No. 96 L. D.—16-3-84.—3,700.

THE PANJÁB MUNICIPAL ACT, 1884.

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[*Price one rupee.*]

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SCHEDULE.

ACT No. XIII OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 22nd August, 1884.*)

An Act to make better provision for the organization and administration of Municipalities in the Panjáb.

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the Panjáb; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Local extent. Commencement.

1. (*1*) This Act may be called the Panjáb Municipal Act, 1884.

(*2*) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Panjáb; and

(*3*) Section 177 shall come into force at once, and the rest of this Act shall come into force on such date as the Local Government may, by notification in the official Gazette, fix in this behalf.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

"Committee" means a municipal committee constituted under this Act:

"Municipality" means any local area declared to be a municipality under this Act:

"Inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying

ing immovable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act:

"Street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way; and also the roadway and footway over any public bridge or causeway:

"Owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

"Notification" means a notification published by authority of the Local Government in the official Gazette:

"Notified" means published as aforesaid.

Procedure for constituting municipality.

3. (*1*) The Local Government may, by notification, propose to declare any town or group of towns, together with any railway-station, village, building or land in the vicinity of any such town, a municipality under this Act:

Provided that a military cantonment shall not, without the consent of the Governor General in Council, be comprised in any such notification.

(*2*) Every such notification shall define the limits of the local area to which it relates.

(*3*) A copy of every notification under this section, with a translation in such vernacular language as the Local Government directs, shall be affixed in some conspicuous place in the court-house of the district in which the local area to which it relates is situate, and in one or more conspicuous places in that local area.

(*4*) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation

translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification.

(*5*) If any inhabitant objects to the notification issued under sub-section (*1*), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the Local Government; and the Local Government shall take his objection into consideration.

(*6*) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on any such objections which may have been submitted to it, the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

Special rule as to local areas to which Act IV of 1873 applies.

4. (*1*) The Local Government may, by notification, declare any local area to which the Panjáb Municipal Act, 1873, has been extended to be a municipality under this Act, and shall, as soon as may be, so declare every such local area, unless—

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(*a*) that local area is comprised in some local area declared to be a municipality under section 8; or

(*b*) the Local Government has declared, by notification, that the provisions of this Act are unsuited to that local area.

(*2*) The Local Government shall, by the notification issued in respect of a local area under sub-section (*1*), declare whether the local area shall be a municipality of the first or of the second class.

(*3*) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members of the committee for that local area appointed *ex officio*, by nomination and by election under the Panjáb Municipal Act, 1873, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to

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have

have been appointed by official designation and by name and elected under this Act as members of a committee for the local area, and shall hold office as such members for such term, not exceeding three years, as may be fixed by the notification.

CHAPTER II.

ORGANIZATION OF COMMITTEES.

Constitution of Committees.

Number and appointment or election of members.

5. (*1*) There shall be established for each municipality a committee having authority over the municipality, consisting of such number of members, not less than six, as the Local Government may fix in this behalf.

(*2*) The members may be appointed by the Local Government either by name or by official designation, or may be elected from among the inhabitants in accordance with rules made by the Local Government under this Act, or some may be appointed and some elected, as the Local Government directs:

Provided that—

(*a*) when the Local Government has directed that all or any proportion of the members shall be elected, it shall not thereafter direct that they shall be appointed, unless a majority of the electors declare that they so desire, or for some reason affecting the public interests; and

(*b*) except with the approval of the Governor General in Council, or unless salaried officers of the Government are elected, not less than two-thirds of the members of every committee shall be persons other than salaried officers of the Government.

(*3*) When,

(*3*) When, under a direction issued under sub-section (*2*), any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Term of office of members.

6. (*1*) A member of a committee when appointed by virtue of an office shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(*2*) The term of office of all other appointed and elected members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(*3*) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of members.

7. A member of a committee may resign by signifying in writing his intention to do so to the Local Government; and on the acceptance by the Local Government of the resignation, the member shall be deemed to have vacated his office.

Powers of the Local Government as to removal of members.

8. (*1*) The Local Government may remove any member of a committee—

(*a*) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting or is declared insolvent or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;

(*b*) if he has been declared by notification to be disqualified for employment in the public service;

(*c*) if

(*c*) if he, without an excuse sufficient in the opinion of the Local Government, neglects for more than three consecutive months to be present at the meetings of the committee;

(*d*) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or,

(*e*) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(*2*) A person removed under this section shall be disqualified for election unless and until the Local Government otherwise directs.

Filling of casual vacancies.

9. (*1*) When the place of an elected member of a committee becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in accordance with the rules made by the Local Government under this Act to fill the place:

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(*2*) When the place of a member of a committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(*3*) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may if otherwise qualified be again elected or appointed.

Incorporation of committee.

10. Every committee shall be a body corporate by the name of the municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to

to the provisions of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time when committee shall come into existence.

11. A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf:

Provided that a committee constituted under section 4, sub-section (*3*), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of committee under this Act where Act IV of 1873 applies.

12. When a committee comes into existence for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area to which the Panjáb Municipal Act, 1873, has been extended, the following consequences shall ensue, namely:—

IV of 1873.

(*a*) the said Panjáb Municipal Act shall cease to apply to the local area;

(*b*) the municipal committee constituted under that Act for the local area (and hereinafter called the old committee) shall cease to exist;

(*c*) all property vested in the old committee shall, for the purposes of this Act, vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(*d*) every right and liability belonging to or incurred by the old committee may be enforced by or against the new committee in like manner as it might have been enforced by or against the old committee if this Act had not been passed;

(*e*) a Government officer employed by the old committee at the time when the new committee

mittee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Local Government; and

(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

Member of committee to be municipal commissioner.

13. Every member of a committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-president.

Election or appointment of president and vice-president.

14. (*1*) Every committee shall, from time to time, elect one of its members to be president, and the member so elected shall, if the election is approved by the Local Government in the case of a first class committee, and by the Commissioner in the case of a second class committee, become president of the committee:

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this clause; and that in either of these cases, or if no election is made within one month from the date of the first meeting of the committee or the occurrence of a vacancy in the office of chairman, or if the person elected is not approved, the Local Government, or in the case of a second class committee the Commissioner, may, if it or he thinks fit, appoint one of the members of the Committee to be president.

(*2*) Every

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(*2*) Every committee may also, from time to time, elect one or two of its members to be its vice-president or vice-presidents.

Term of office of president and vice-president.

15. (*1*) A president shall hold office for such term, not exceeding three years, as the Local Government may, by rule, fix, and a vice-president shall hold office for such term as the committee may, by rule, fix.

(*2*) A president or vice-president shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as president or vice-president; and he may be removed from his office by the Local Government if moved to do so by resolution passed by two-thirds of the members present at a special meeting.

(*3*) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

Casual vacancies in office of president or vice-president.

16. (*1*) If a president or vice-president ceases to be a member of the committee, dies, resigns his office or is removed, a new president or vice-president shall be elected or appointed in manner provided by section 14.

(*2*) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office.

(*3*) A person going out of office under sub-section (*2*) may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments, &c.

Notification of elections, appointments and vacancies.

17. Every election and appointment of a member or president of a committee, and every vacancy in the office of member or president arising otherwise than by the expiration of his term of office, shall be notified, and no such election or appointment shall take effect until it is notified.

Conduct

Conduct of Business.

Time for holding meetings.

18. (*1*) A committee shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by the rules made under section 24.

(*2*) The president or, in his absence, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

19. (*1*) A meeting of a committee shall be either ordinary or special.

(*2*) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

Quorum.

20. (*1*) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the committee.

(*2*) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 24, but shall not be less than three:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Chairman of meeting.

21. (*1*) At every meeting of a committee the president, if present, shall preside as chairman.

(*2*) If, when any meeting is held, the office of president is vacant, or the president is absent from the

the meeting, and a vice-president is present, the vice-president or, when two vice-presidents are present, the senior of them by date of appointment, shall preside as chairman.

(*3*) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Vote of majority decisive.

22. Except as otherwise provided by this Act or by rules made under this Act, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

Record and publication of proceedings.

23. (*1*) Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government directs, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant.

(*2*) A copy of every resolution passed by a committee at a meeting shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

Rules of business.

24. (*1*) Every committee may, from time to time, at a special meeting, make rules consistent with this Act and with any rules made by the Local Government under this Act as to—

(*a*) the time and place of its meetings;

(*b*) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the

(*d*) the conduct of proceedings at meetings and the adjournment of meetings;

(*e*) the custody of the common seal and the purposes for which it shall be used;

(*f*) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members, and by officers or servants of the committee;

(*g*) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;

(*h*) the appointment, duties, leave, suspension and removal of its officers and servants;

(*i*) the term for which a vice-president shall hold office; and

(*j*) all other similar matters.

(*2*) A rule made under clause (*c*) or clause (*f*) of sub-section (*1*) shall not take effect unless it has been approved by the Local Government.

(*3*) Every rule made under this section shall be published in such manner as the Local Government directs.

Extraordinary powers of president and vice-president in case of emergency.

25. In cases of emergency the president, or in his absence a vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Provided

Provided that—

(*a*) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(*b*) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Joint Committees.

Joint committees.

26. A committee may concur with any other committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority, in appointing out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

27. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

Appointment of secretary.

28. (*1*) Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consents to its appointing a person not being a member, any other person, to be its secretary, and, may, at a like meeting, remove any person so appointed.

(*2*) A

(*2*) A member of a committee appointed as secretary shall receive no remuneration in respect of his services. When any other person is appointed to be secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it thinks fit.

Employment of other officers and servants.

29. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Power to prevent extravagance in establishments.

30. If, in the opinion of the Commissioner, the number of persons employed by a committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be.

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving committees.

31. In the case of a Government official, a committee may—

(*1*) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity

gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of others.

32. In the case of an officer or servant not being a Government official, a committee may—

(*1*) grant him leave-allowances and, if he is employed under the committee appointed under the Panjáb Municipal Act, 1873, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

IV of 1873.

(*2*) if empowered in this behalf by the Local Government—

(*a*) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under Government.

Contracts.

Authority to contract.

33. (*1*) The committee of a municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering, on its behalf, into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(*2*) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of a committee.

Mode of executing contracts and transfers of property.

34. (*1*) Every contract made by or on behalf of the committee of a municipality of the first class whereof

whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of a municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and shall be signed by the president or vice-president, and by the secretary if he is a member of the committee, or, if the secretary is not a member of the committee, by another member:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last preceding section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(*2*) A transfer of immoveable property belonging to a committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of the committee.

(*3*) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

Penalty on member, officer or servant being interested in contract made with a committee.

35. (*1*) If any member, officer or servant of a municipal committee or joint committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168. XLV of 1860.

(*2*) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and a committee; but he shall not take part in any proceedings of the committee relating to any such contract.

Privileges and Liabilities.

Suits against committee and its officers.

36. No suit shall be instituted against a committee, or against an officer of a committee in respect of

of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, left at its office, and, in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Liability of members of committees.

37. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council.

Acquisition of Land.

Acquisition of land.

38. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

X of 1870.

CHAPTER III.

TAXATION.

General Provisions.

Taxes which may be imposed.

39. (*1*) Subject to any general rules or special orders which the Governor General in Council may make

make in this behalf, and to any rules made by the Local Government under this Act, a committee may, from time to time, for the purposes of this Act, and in the manner by this Act directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

(*A*) with the previous sanction of the Local Government:—

(*a*) a tax on buildings and lands either—

(i) not exceeding in any municipalities which may be constituted at the places specified in the schedule hereto annexed 10 per cent., and elsewhere 7½ per cent., on the annual value; or

(ii) not exceeding in the said municipalities one anna four pies, and elsewhere one anna, per square yard of the ground area; or

(iii) not exceeding in the said municipalities four rupees, and elsewhere three rupees, per running foot of frontage in streets or bázárs;

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(*c*) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(*d*) a tax on vehicles and animals used as aforesaid entering the municipality;

(*e*) a tax on menial and domestic servants;

(*f*) an octroi on animals for slaughter or goods or both brought within the octroi-limits for consumption or use therein; and

(*B*) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

(*2*) In

(*g*) In this section, "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the aggregate of the following amounts, namely:—

(*a*) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and

(*b*) when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

Scavenging tax.

40. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, in the manner by this Act directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

41. (*1*) Besides

Water-tax.

41. (*1*) Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Act directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(*2*) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

Procedure in imposing taxes.

42. (*1*) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 39, section 40 or section 41.

(*2*) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(*3*) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(*4*) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Local Government, with the objections (if any) which have been

been submitted as aforesaid, and its decision thereupon.

(*5*) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(*6*) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(*7*) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(*8*) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(*a*) no tax shall come into force until it has been notified;

(*b*) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(*c*) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(*9*) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

43. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government,

ment, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to exempt from taxation.

44. (*1*) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

(*2*) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Power for Local Government to suspend levy of tax.

45. (*1*) If at any time it appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(*2*) The Local Government may at any time, by notification, rescind any such suspension.

Taxes not invalid for defect of form.

46. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes when payable.

47. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Local Government, may, by rule, from time to time direct.

48. For

Receipts to be given.

48. For all sums paid on account of any tax under this Act, a receipt stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

Appeals against taxation.

49. (*1*) An appeal against the assessment or levy of any tax under this Act shall lie to the Deputy Commissioner, unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(*2*) If on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(*3*) On a reference being made under sub-section (*2*) the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code of Civil Procedure.

XIV of 1882.

Limitation of appeal.

50. (*1*) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 56, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(*2*) No appeal shall be entertained unless the amount

amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

Taxation not to be questioned except under this Act.

51. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any manner or by any other authority than in this Act is provided.

Taxes leviable under Act IV of 1873 to be deemed to be taxes under this Act.

52. All taxes leviable in any local area under the Panjáb Municipal Act, 1873, at the time when a committee having authority over that local area comes into existence under this Act shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act. IV of 1873.

Taxes on Immoveable Property.

Preparation of assessment-lists.

53. (*1*) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

(*a*) the name of the street or division in which the property is situate;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual value, area or length of frontage on which the property is assessed; and

(*e*) the amount of the tax assessed thereon by the committee.

(*2*) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

Publication of notice of assessments.

54. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or

or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

55. (*1*) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(*2*) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

56. (*1*) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(*2*) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

57. (*1*) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the

the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(*2*) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

58. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

59. (*1*) When a tax payable under section 39, sub-section (*1*), clause (*a*), or under section 40 or section 41, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(*2*) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 39, sub-section (*1*),

(*1*), clause (*c*), or under section 40 or section 41, is wholly or in greater part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

Taxes on immoveable property by whom payable.

60. (*1*) A tax payable under section 39, sub-section (*1*), clause (*a*), shall be paid by the owner of the property in respect of which it is payable.

(*2*) A tax payable under section 40 or section 41 shall be paid by the occupier of the property in respect of which it is payable.

Recovery of taxes payable by owner.

61. (*1*) When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(*2*) If the bill is not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served on that person; and if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(*3*) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Deputy Commissioner, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Octroi and Tolls.

Power to search where octroi is leviable.

62. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality

municipality in which octroi is leviable, refuses, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

Power to examine article liable to octroi.

63. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(*a*) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature he may possess relating to the article.

Presentation of bill for octroi.

64. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of octroi and tolls.

65. (*1*) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(*2*) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and

and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Power to lease the collection of octroi or tolls.

66. The collection of any octroi or toll may be leased by the committee, with the previous sanction of the Commissioner, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi or toll shall in respect thereof—

(*a*) be bound by any rules made by the committee for their guidance;

(*b*) have such powers exercisable by servants of a committee under this Act as the committee may, from time to time, confer upon them; and

(*c*) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of municipal fund.

67. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(*a*) all sums received by or on behalf of the committee under this Act or otherwise;

(*b*) all fines realized in cases in which prosecutions are instituted under this Act or the rules

rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality; and

(*c*) when there has been included within the municipality any municipality constituted under the Panjáb Municipal Act, 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence. IV of 1873.

Application of fund.

68. (*1*) The committee shall set apart and apply annually out of the municipal fund—

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 31 and 32, and such sum as may be required for the maintenance of a police-establishment under Chapter V;

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(*2*) Subject to the charges specified in sub-section (*1*) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall

shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely :—

(*a*) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses ;

(*b*) the watering and lighting of such streets or any of them ;

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education, or for the benefit of the public health, and of rest-houses, saráís, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions ;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions ;

(*e*) the training of teachers and the establishment of scholarships ;

(*f*) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity ;

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals ;

(*h*) the planting and preservation of trees ;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure ;

(*j*) the

(*j*) the holding of fairs and industrial exhibitions; and

(*k*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

Custody of municipal fund.

69. (*1*) In places where there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

(*2*) In places where there is no such treasury, sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Local Government may in each case think sufficient.

Investment of same.

70. (*1*) A committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

(*2*) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

Property vested in committee.

71. Subject to any special reservation made by the Local Government, all property of the nature hereinafter specified and situate within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

(*a*) All public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have

have been constructed or are maintained out of the municipal fund.

(*b*) All public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well.

(*c*) All public sewers and drains, and all sewers, drains, culverts and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto.

(*d*) All dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere.

(*e*) All public lamps, lamp-posts and apparatus connected therewith or appertaining thereto.

(*f*) All land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes.

(*g*) All streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Management of public institutions.

72. (*1*) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(*2*) When

(*2*) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Crown of property vesting in committee.

73. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 71 or section 72, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

MUNICIPAL POLICE.

Police-establishment.

74. (*1*) Every committee shall, unless it is relieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

(*2*) The establishment maintained under sub-section (*1*) shall, as the committee with the approval of the Local Government may, from time to time, determine, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may, from time to time, after consultation with the Magistrate of the district and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

Relief of committee from police-charges.

75. (*1*) The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with

with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained may be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other.

Appointment, liabilities and duties of municipal watchmen.

76. (1) If the establishment maintained under this chapter is wholly or in part a body of watchmen, the watchmen—

(a) shall be under the orders of the District Superintendent of Police subject to the general control of the Magistrate of the district;

(b) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may, from time to time, make in this behalf;

(c) shall perform such duties as the Local Government may, from time to time, subject to the provisions of this Act, direct; and

(d) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without

out warrant by a police-officer or by any such watchman,

Duties of municipal police enrolled under Act V of 1861.

77. If the establishment maintained under this chapter or any portion thereof is part of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

78. (*1*) Every member of a police-establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(*2*) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(*a*) if the name and address of the person are unknown to him, or

(*b*) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(*3*) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Saving of section 9 of Act III of 1880.

79. Nothing in the foregoing sections of this chapter shall affect section 9 of the Cantonments Act, 1880. III of 1880.

Police-protection at fairs, &c.

80. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Government

ment may provide such protection, and the committee shall pay the whole charge thereof or such portion of the charge as the Local Government may consider equitably debitable to it.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

81. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

82. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to permit temporary occupation of streets, &c.

83. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

84. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

85. (*1*) The

Names of streets and numbers of buildings.

85. (*1*) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(*2*) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

86. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

87. (*1*) If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(*2*) The

(*2*) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

88. (*1*) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(*2*) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month,

the

the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

89. (*1*) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(*2*) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(*3*) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing

Bathing and Washing Places.

Bathing and washing places.

90. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

91. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals.

92. (*1*) The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation

regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

Powers in respect of burial and burning places.

93. (*1*) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*2*) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(*3*) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(*4*) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

94. The

Removal of corpses.

94. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

95. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

96. (*1*) The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, &c.

97. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and

may

may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

98. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Act empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation.

99. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act for which a license has not been duly taken out.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

100. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Power of entry for purpose of scavenging.

101. (*1*) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent, if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

(*2*) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

102. When any building used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

103. The committee may, by notice, require the owner of any building in any street to put up and keep

keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Provision of privies, &c.

104. (*1*) The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools which should in its opinion be provided for the building, in such manner as the committee directs.

(*2*) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(*3*) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair and closing of drains, privies and cesspools.

105. (*1*) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool belonging thereto.

(*2*) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy, or cesspool, or to make such alteration therein as it thinks fit.

Unauthorised buildings over drains, &c.

106. The committee may, by notice, require any person who without its permission in writing newly erects

erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

107. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, &c., of unwholesome tanks, &c.

108. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

109. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Building, &c., in ruinous or dangerous state.

110. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either

either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in unsanitary condition.

Power to require owner to clear away vegetation.

111. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on

112. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

113. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

114. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Power to require untenanted buildings

115. The committee may, by notice, require the owner or person claiming to be the owner of any building

building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Becoming a nuisance to be secured or enclosed.

116. (*1*) The Local Government may, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury :

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(*2*) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (*1*) he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

117. (*1*) The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

Regulation of offensive and dangerous trades.

melting tallow ;

boiling

boiling bones, offal or blood ; or

as a soap-house, oil-boiling house, dyeing-house or tannery ; or,

as a brickkiln, pottery or limekiln ; or

as any other manufactory or place of business from which offensive or unwholesome smells arise ; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance ;

shall register the same in a book to be kept by the committee for the purpose.

(*2*) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(*3*) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(*4*) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(*5*) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to prohibit such trades.

118. (*1*) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to

to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

Power to make rules.

119. (1) A committee may, from time to time, at a special meeting, make rules—

(*a*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(*b*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours or for a service which would ordinarily be performed within twenty-four hours;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building

ing or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(*e*) for the inspection and proper regulation of encamping-grounds, pounds, saráís, markets and slaughter-houses;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(*i*) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax; and

(*j*) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses (*a*) and (*b*) in respect of any vehicles to which that Act applies. XIV of 1879.

(*2*) When the authorities of any cantonment, with the sanction of the Government of India, have agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the cantonment

tonment and the municipality, and that octroi-collections and charges shall be divided between the cantonment fund and the municipal fund, the committee may fix limits under clause (*i*) of sub-section (*1*) so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way as if the said limits were wholly comprised in the area of the municipality.

Additional power to make rules in hill municipalities.

120. The committee of a municipality wholly or in part situated in a hilly tract may, from time to time, at a special meeting, make rules—

(*a*) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of land-slips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;

(*b*) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears necessary for the prevention of danger or grave inconvenience to the public.

Penalty for infringement of rule.

121. In making any rule under section 119 or section 120 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

122. No

Confirmation of rules.

122. No rule made under section 119 or section 120 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Supplemental.

Execution of acts required to be done by any notice.

123. (*1*) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(*2*) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

124. (*1*) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(*2*) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(*3*) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to

to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(*5*) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

125. (*1*) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(*2*) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

X of 1870.

Appeals against certain orders of committee.

126. (*1*) Any person aggrieved by any order made by a committee under the powers vested in it by section 93, 114 or 118 may appeal within thirty days from the date thereof to the Commissioner when the municipality is of the first class, or to the Deputy Commissioner when the committee is of the second class;

class; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if in the latter case the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(*2*) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(*3*) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

127. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

128. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

129. Whoever

Non-removal of filth, &c.

129. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

130. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee, shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

131. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 107, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals so as to be injurious to health.

132. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

133. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind,

kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

134. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

135. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Control of elephants or

136. Whoever, being an elephant-driver or camel-driver, omits on being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Taking elephants along public roads.

137. Whoever, contrary to any orders of the committee, takes an elephant along a public street or thoroughfare, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

138. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

139. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials

or

or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

140. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Picketing animals and collecting carts.

141. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

142. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

143. Whoever, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

144. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

145. Any prosecution for an offence under section 93, or section 118, or under section 144, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

146. (*1*) The Commissioner of the division or the Deputy Commissioner of the district (not being a member of the committee) may—

(*a*) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively, occupied by any committee or joint committee, or any work in progress within those limits under its directions;

(*b*) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(*c*) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(*d*) record

(*d*) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(*2*) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may, from time to time, direct.

Power to suspend action of committee.

147. The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend, within the division or district respectively, the execution or order of any resolution or order of a committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

Extraordinary powers of Deputy Commissioner in case of emergency.

148. (*1*) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(*2*) If the expense is not so paid the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

Power to provide for performance of duties in

149. (*1*) When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon

case of default of committee.

upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the committee to that person.

(*2*) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

(*3*) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

Action of Deputy Commissioner or Commissioner to be immediately reported.

150. When the Deputy Commissioner makes any order under section 147, section 148 or section 149, he shall forthwith forward to the Local Government through the Commissioner, and when the Commissioner makes any order under section 147 or section 149, he shall forthwith forward to the Local Government, a copy thereof, with a statement of the reasons for making it, and with such explanation, if any, as the committte may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

Powers of Local Government and its officers over committees.

151. (*1*) It shall be the duty of the Local Government, and of all Commissioners and Deputy Commissioners acting under its orders, to require that the proceedings of committees shall be in conformity with law.

(*2*) The Local Government may exercise all powers necessary for this purpose, and may, amongst other things, by order in writing, annul or modify any proceeding which it considers not to be in conformity with law.

(*3*) The

BENGAL SECRETARIAT LIBRARY.

(*3*) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

Power of Local Government to supersede committee in case of incompetency, persistent default or abuse of powers.

152. (*1*) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(*2*) When a committee is so superseded, the following consequences shall ensue:—

(*a*) All members of the committee shall, from the date of the notification, vacate their offices as such members:

(*b*) All powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government appoints in that behalf:

(*c*) All property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

(*3*) The Local Government shall, as soon as, in its judgment, conveniently may be, constitute another committee in the place of any committee superseded under this section.

Disputes.

153. (*1*) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or

or cantonment authority, the matter shall be referred—

(*a*) to the Deputy Commissioner, if the local authorities concerned are in the same district:

(*b*) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(*c*) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(*2*) The decision of the authority to which any dispute is referred under this section shall be final.

(*3*) If, in the case mentioned in clause (*a*), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under the section shall be discharged by the Commissioner.

(*4*) "Local authority" in this section means a municipal committee, district board or cantonment authority.

Power of Local Government to frame forms and make rules.

154. The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and make rules consistent with this Act—

(*a*) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;

(*b*) as to the division of the municipality into wards, or of the inhabitants into classes, or both;

(*c*) as to the number of representatives proper for each ward or class;

(*d*) as to the qualifications of electors and of candidates for election;

(*e*) as

(*e*) as to the registration of electors;

(*f*) as to the nomination of candidates, the time of election and the mode of recording votes;

(*g*) generally for regulating all elections under this Act;

(*h*) fixing the term of office of members and presidents of committees;

(*i*) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;

(*j*) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported, and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought;

(*k*) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality; and

(*l*) generally as to the assessment and collection of taxes imposed under this Act and the fees payable in respect of notices of demand;

(*m*) as to the priority to be given to the several duties of the committee;

(*n*) as to the authority on which money may be paid from the municipal fund;

(*o*) as to the appointment, promotion, dismissal, suspension, reduction and fining of municipal watchmen;

(*p*) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;

(*q*) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the

Local

Local Government or officers of that Government shall pass;

(*r*) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(*s*) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(*t*) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned;

(*u*) as to the returns, statements and reports to be submitted by committees;

(*v*) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 151;

(*w*) as to the language in which business shall be transacted, proceedings recorded and notices issued;

(*x*) as to the publication of notices; and

(*y*) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

General powers of Local Government and Commissioners.

155. In all matters connected with this Act the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners,

sioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER IX.

SUPPLEMENTAL.

Prosecutions.

Authority for prosecutions.

156. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of, or with the approval of, the committee.

Member not to be deemed interested in prosecution.

157. A Judge or Magistrate shall not be deemed to be a party to, or personally interested in, any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted.

Saving of prosecutions under other laws.

158. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules.

159. (*1*) The authority empowered to make rules under section 119, section 120 or section 154 shall, before making them, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection

or any suggestion which may be made by any person with respect to the draft before the date so specified.

(*2*) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is necessary to republish the draft under this section.

(*3*) Every rule made under any of the said sections shall be notified in English, and in such other language or languages as the Local Government may direct; and such notification shall be conclusive evidence that the rule has been made as is required by this section.

Rules to be available for purchase and inspection.

160. (*1*) A copy of all rules made under this Act shall be kept at the committee's office, and shall be open during office-hours without charge to the inspection of any inhabitant.

(*2*) Copies of all such rules shall be kept at the committee's office for sale to the public at a reasonable price.

Continuance of existing rules.

161. (*1*) The Local Government may, by notification, direct that any rules, regulations or byelaws made under the Panjáb Municipal Act, 1873, or any Act thereby repealed, and in force in any local area being or comprised in a municipality constituted under this Act when the committee for that municipality comes into existence under section 11, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made. IV of 1873.

(*2*) The authority empowered to make such new rules shall, as soon as may be, make them, and take such action as may be requisite for bringing them into force.

Notices.

Authentication, service and validity of notices.

162. (*1*) Every notice issued by a committee under this Act or under any rule made thereunder shall be in

in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

(*2*) If the place or abode of business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(*3*) If the place or abode of business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(*4*) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(*5*) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

163. When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(*a*) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(*b*) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

164. Every

Publication of public notices.

164. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Boundaries and Class of Municipality.

Notification of intention to alter limits of municipality.

165. The Local Government may, by notification published in the official Gazette, and in such other manner as it may determine, declare its intention—

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification; or

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

166. (*1*) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 165 may, if he objects to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take his objection into consideration.

(*2*) When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (*1*), the Local Government may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

167. (*1*) When

Effect of exclusion of local area from municipality.

167. (*1*) When a local area is excluded from a municipality under section 166,—

(*a*) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(*b*) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

(*2*) All property vested in Her Majesty under sub-section (*1*) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Effect of including local area in municipality.

168. When a local area is included in a municipality under section 166, this Act, and, except as the Local Government may otherwise by notification direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Power to change class of municipality.

169. The Local Government may, after consulting the committee, direct, by notification, that any municipality be transferred from one class to another.

Powers to except and withdraw Municipalities from provisions of Act.

Power to except municipality from

170. (*1*) If the circumstances of any municipality are such that, in the opinion of the Local Government,

provisions of Act unsuited thereto.

ment, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by notification.

(*2*) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Power to withdraw municipal area altogether from operation of this Act or Act IV of 1873.

171. (*1*) The Local Government may, by notification, withdraw the local area comprised in any municipality constituted under this Act or the Panjáb Municipal Act, 1873, from the operation of the same. IV of 1873.

(*2*) When a notification is issued under this section in respect of any local area, the Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under the Act, shall cease to apply to the local area; the balance of the municipal fund, and all other property which at the time of the issue of the notification is vested in the municipal committee, shall vest in Her Majesty; and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(*3*) All property vested in Her Majesty under sub-section (*2*) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Miscellaneous.

Recovery of taxes, &c.

172. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within

within those limits belonging to the person from whom the money is claimable.

Powers of Governor General in Council and of Local Government exercisable from time to time.

173. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Relief to agents and trustees.

174. (*1*) When a person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

(*2*) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

Decision of question as to whether persons are "inhabitants."

175. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

Saving of Act XI of 1879.

176. Nothing in this Act shall affect the Local Authorities Loans Act, 1879. XI of 1879.

Simla Land-tax.

Whereas there is at present levied on certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards; It is hereby enacted as follows:—

Simla land-tax continued.

177. (*1*) The said tax shall, unless and until a committee under this Act comes into existence for the local

local area comprised in that municipality, be deemed to be a tax lawfully imposed and assessed under the Panjáb Municipal Act, 1873, and leviable in addition to any other tax leviable under that Act. IV of 1873.

(2) If a committee under this Act comes into existence for that local area, the said tax shall be deemed to be a tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder.

SCHEDULE.

(*List of places referred to in Section 39.*)

SIMLA.	DALHOUSIE.
DHARMSÁLA.	MURREE.

Government of India Central Printing Office.—No. 108 L. D.—14-10-84.—5,000.

ACT No. XIV OF 1884.

78

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th August, 1884.)

An Act for the validation of decisions passed by certain Settlement-officers in the Panjáb.

XIX of 1865.

WHEREAS section 21 of the Panjáb Courts Act, 1865, after conferring certain powers on the Local Government in any district in which a settlement of land-revenue might be in progress, provided as follows, namely:—"The Local Government may also, with the previous sanction of the Governor General of India in Council, invest any special officer in such district with the civil powers of a Commissioner, Deputy Commissioner, Assistant Commissioner or Tahsíldár, as defined in this Act, for the purpose of deciding suits in respect to land, or the rent, revenue or produce of land, such powers to be exercised on the Revenue side";

and whereas doubts have recently been raised as to whether the said section conferred power to invest a special officer as aforesaid with power to decide appeals in such suits;

XVII of 1877

and whereas section 49 of the Panjáb Courts Act, 1877, provides that the Local Government may, from time to time, by notification in the official Gazette, invest any officer making or controlling a settlement of land-revenue in any local area with all or any of the powers of any Court constituted under that Act, for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in that local area;

and

[*Price one anna and six pies.*]

and whereas certain officers making or controlling settlements of land-revenue have decided suits of the description mentioned in section 21 of the Panjáb Courts Act, 1865, or section 49 of the Panjáb Courts Act, 1877, and appeals in such suits, without being invested with power to decide the same; XIX of 1865. XVII of 1877.

and whereas it is apprehended that certain officers making or controlling settlements of land-revenue have exercised judicial powers when at places beyond the local limits of their jurisdiction;

and whereas for the quieting of titles and the avoidance of litigation it is expedient that the decisions passed by officers engaged in making or controlling settlements in suits of the description mentioned in section 21 of the Panjáb Courts Act, 1865, and in section 49 of the Panjáb Courts Act, 1877, and in appeals in such suits, should not be impeached for want of authority in such officers, and that the validity of such decisions should be affirmed; XIX of 1865. XVII of 1877.

It is hereby enacted as follows:—

Construction of section 21 of Act X of 1865.

1. In the portion of section 21 of the Panjáb Courts Act, 1865, hereinbefore recited the word "suits" shall be deemed to have always included appeals. XIX of 1865.

Validation of decisions of certain unauthorized officers.

2. When any officer making or controlling a settlement of land-revenue has decided a suit of the description mentioned in section 21 of the Panjáb Courts Act, 1865, or section 49 of the Panjáb Courts Act, 1877, or an appeal in any such suit, and his decision would, if he had been duly invested with power under either of those sections to decide such suits or appeals, have been valid, the decision shall not be deemed invalid or deprived of any of its effect by reason of the objection that he was not so invested: XIX of 1865. XVII of 1877.

Provided that a decision heretofore declared by any competent Court to be invalid on the ground that the officer who decided the suit or appeal was not authorized to decide the same shall not be rendered valid by this section.

3. When

3. When the decision of an officer making or controlling a settlement of land-revenue would be deemed valid if it had been passed by him within a particular local area, it shall not be deemed invalid or deprived of any of its effect by reason of the objection that at the time when he passed it he was beyond the limits of that local area.

Validation of decisions passed beyond local limits of jurisdiction.

Government of India Central Printing Office.—No. 113 L. D.—6-10-84.—5,700.

ACT No. XV OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 26th September, 1884.*)

An Act for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864.

WHEREAS by section 4 of Act XXV of 1864 (*to provide further for the solemnization of Marriages in India of persons professing the Christian Religion*) it was enacted that, from and after the first day of July, 1864, certain Governments therein named should have authority to grant licenses to ministers of religion to solemnize marriages within the territories subject to such Governments respectively :—

And whereas, in exercise of the authority so conferred, the Governments therein named granted licenses to certain ministers of religion to solemnize marriages ;

And whereas Act XXV of 1864 was repealed by Act V of 1865 (*to provide for the solemnization of Marriages in India of persons professing the Christian Religion*);

And whereas by section 9 of the latter Act it was enacted that, from and after the commencement of that Act, all marriages which should be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth sections of that Act should be null and void ;

And whereas by section 6 of the same Act it was enacted that marriages might be solemnized in India by (among other persons) any minister of religion who,

[*Price one anna and six pies.*]

who, under the provisions of that Act, had obtained a license to solemnize marriages;

And whereas Act V of 1865 was repealed by the Indian Christian Marriage Act, 1872; XV of 187

And whereas by section 4 of the latter Act it is enacted that every marriage between persons, one or both of whom is a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and that any such marriage solemnized otherwise than in accordance with such provisions shall be null and void;

And whereas by the next following section of the same Act it is enacted that marriages may be solemnized in India by (among other persons) any minister of religion licensed under the same Act to solemnize marriages;

And whereas neither in Act V of 1865 nor in the Indian Christian Marriage Act, 1872, was there or is there any provision either saving licenses granted under Act XXV of 1864 or permitting a marriage to be solemnized by a minister of religion who had obtained a license to solemnize marriages under Act XXV of 1864 only; XV of 187

And whereas certain marriages have been solemnized both while Act V of 1865 was in force and since the passing of the Indian Christian Marriage Act, 1872, by ministers of religion who had obtained licenses to solemnize marriages under Act XXV of 1864, but had never obtained licenses to solemnize marriages under Act V of 1865 or the Indian Christian Marriage Act, 1872, as the case may be, and doubts have therefore arisen as to the validity of such marriages; XV of 187 XV of 187

And whereas it is expedient to remove such doubts and to declare the continued validity of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864;

It is hereby enacted as follows:—

Validation of licenses to solemnize marriages granted to

1. A license to solemnize marriages granted to a minister of religion under Act XXV of 1864 shall be deemed

deemed, if in force on the date on which Act V of 1865 came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the date on which the Indian Christian Marriage Act, 1872, came into force, to have been since that Act came into force, and to be, a license granted under that Act.

ministers of religion under Act XXV of 1864.

XV of 1872.

Government of India Central Printing Office.—No. 134 L. D.—21-10-84.—3,000.

ACT No. XVI OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd October, 1884.)

An Act to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Burma Gaming Act, 1884.

(*2*) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(*3*) It shall come into force at once.

Application of Act III of 1867 to game of *ti* and like games.

2. (*1*) Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall be deemed gaming and playing within the meaning of Act III of 1867.

(*2*) Every house, walled enclosure, room or place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such house, enclosure, room or place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(*3*) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended

[*Price one anna and six pies.*]

pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

3. Whoever conducts or assists in conducting the game of "*ti*," or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, or who promotes the game or pretended game by soliciting or collecting stakes or otherwise, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

4. (*1*) The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole *or* any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto.

(*2*) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to invest 2nd class Magistrate with powers under Act III of 1867, section 5

5. The Local Government may authorize any Magistrate of the second class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the District.

Amendment of Act III of 1867, section 13.

6. In section 13 of Act III of 1867—

(*a*) for the words "public street, place or thoroughfare," where they first occur, the words "street or thoroughfare or place to which the public have access" shall be substituted; and

(*b*) in

(*b*) in the last clause, for the words "such public place" the words "such place" shall be substituted.

Power to arrest without warrant.

7. A police-officer may arrest without warrant any person soliciting or collecting stakes for the game of *ti*, or any other game or pretended game of a like nature, in any street or thoroughfare or place to which the public have access.

Power to demand security.

8. Whenever a District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.

X of 1882.

Government of India Central Printing Office.—No. 127 L. D.—21-10-84.—3,600.

THE BURMA MUNICIPAL ACT, 1884.

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[*Price fifteen annas.*]

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ACT No. XVII OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd October, 1884.)

An Act to amend the law relating to Municipalities in British Burma.

WHEREAS it is expedient to amend the law relating to Municipalities in British Burma; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Burma Municipal Act, 1884.

(*2*) It extends to the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(*3*) It shall come into force on such date as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context:—

"municipality" means a local area declared under Chapter II to be a municipality:

"inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared

clared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act; and

"street" means any street, road, thoroughfare, passage or place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal to create municipality.

3. (*1*) The Local Government may, by notification published in the official Gazette and in such other manner as the Local Government may determine, propose to declare any town, or any group of towns in the immediate neighbourhood of one another, a municipality under this Act.

(*2*) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Creation of municipality.

4. (*1*) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(*2*) When

(*2*) When six weeks from the publication of the notification in the Gazette have expired and the Local Government has considered the objections (if any) which have been submitted under sub-section (*1*), the Local Government may, by a notification in the official Gazette, declare the local area to be a municipality under this Act.

Application of Act to existing municipalities.

5. (*1*) The Local Government may, by notification in the official Gazette, declare any local area which is a municipality established under the British Burma Municipal Act, 1874, to be a municipality under this Act, and shall, within three months from the date on which this Act comes into force, so declare every such local area, unless, before the expiration of that period,—

VII of 1874.

(*a*) that local area is comprised in some local area declared to be a municipality under section 4; or

(*b*) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

(*2*) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members and the president and vice-president of the committee for that local area appointed *ex-officio*, by nomination and by election under the said British Burma Municipal Act, 1874, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by virtue of an office and by name and elected under this Act as members, president and vice-president of a municipal committee for the local area, and shall hold office as such members, president and vice-president for such term as may be fixed by the notification.

VII of 1874.

CHAPTER III.

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality; and consisting of—

(*a*) so many inhabitants of the municipality as may be determined by the Local Government elected in manner next hereinafter prescribed to represent wards of the municipality or particular classes of the inhabitants; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Local Government may appoint by name or by virtue of an office in this behalf:

Provided that—

(*1*) when the circumstances of the municipality are, in the opinion of the Local Government, such as to require it, the Local Government may appoint a larger proportion of, or all, the members of the committee; and

(*2*) when any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Power to Local Government to make rules regarding election.

7. (*1*) The Local Government shall, for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

(*a*) the division of the municipality into wards, or of the inhabitants into classes, or both;

(*b*) the number of representatives proper for each ward or class;

(*c*) the

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(*2*) The Local Government may, after the municipal committee has come into existence as hereinafter provided, amend, after consulting the committee, the rules made under this section; but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(*3*) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of members.

8. (*1*) A member of a municipal committee, when appointed by virtue of an office, shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(*2*) The term of office of all other elected and appointed members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(*3*) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of member of committee.

9. A member of a municipal committee may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

10. (*1*) The

Removal of member.

10. (*1*) The Local Government may remove any member of a municipal committee who ceases to be an inhabitant of the municipality, or refuses to act, or becomes in the opinion of the Local Government incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the committee.

(*2*) A person removed under this section on any ground except that first mentioned shall be disqualified for election until the Local Government otherwise directs.

Filling of casual vacancies.

11. (*1*) When the place of an elected member of a municipal committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected in manner prescribed under section 7 to fill the place.

(*2*) When the place of a member of a municipal committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(*3*) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be again elected or appointed.

Incorporation of municipal committee.

12. Every municipal committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary

necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that a committee shall not transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

Time for committees coming into existence.

13. A municipal committee shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf:

Provided that a committee constituted under section 5, sub-section (*2*), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of municipal committee where municipal committee under Act VII of 1874 exists.

14. When a municipal committee comes into existence under section 13 for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

VII of 1874.

(*a*) the said Act shall cease to apply to the local area;

(*b*) the municipal committee (if any) constituted under that Act for the local area (hereinafter called the old committee) shall cease to exist;

(*c*) all property vested in the old committee shall for the purposes of this Act vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(*d*) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by

and

and against the old committee if this Act had not been passed;

(*e*) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee and shall not be dismissed from that employment without the sanction of the Local Government; and

(*f*) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

Member of municipal committee to be municipal commissioner.

15. Every member of a municipal committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-president.

Election of president and vice-president.

16. A municipal committee shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, by notification in the official Gazette, exempt from the operation of this section, the president shall, until the notification is rescinded by a like notification, be appointed by the Local Government from among the members of the committee.

Term of office of president and vice-president.

17. (*1*) The term of office of a president or vice-president shall be one year, and on the expiration of that period he may be again elected or appointed.

(*2*) Nothing in this section shall affect section 5, sub-section (*2*).

18. (*1*) If

Casual vacancies in office of president or vice-president.

18. (*1*) If a president elected by a municipal committee or a vice-president dies, ceases to be a member of the committee or resigns his office, the committee shall, at a special meeting, elect another of its members to be president or vice-president.

(*2*) If a president appointed by the Local Government dies, ceases to be a member of the committee or resigns his office, the Local Government shall appoint another president.

(*3*) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments and Removals.

Notification of appointments, &c.

19. All elections and appointments of presidents and vice-presidents, and all elections, appointments and removals of members, of municipal committees, shall be notified in the local official Gazette, and no such election or appointment shall take effect until it is so notified.

Conduct of Business.

Time for holding meetings.

20. (*1*) A municipal committee shall meet for the transaction of business at least once in every month, at such time as may, from time to time, be fixed by the rules made under section 27.

(*2*) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth or two of the members of the committee, convene an ordinary or a special meeting at any other time.

Ordinary and special meetings.

21. (*1*) A meeting of a municipal committee shall be either ordinary or special.

(*2*) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules

rules made under this Act to be transacted at a special meeting.

Quorum.

22. (*1*) The quorum necessary for the transaction of business at a special meeting of a municipal committee shall be one-half of the whole committee:

Provided that, when the committee consists of less than six members, the quorum shall be three.

(*2*) The quorum necessary for the transaction of business at an ordinary meeting of a municipal committee shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 27:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

Chairman of meeting.

23. (*1*) At every meeting of a municipal committee the president, if present, shall preside as chairman.

(*2*) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting and the vice-president is present, he shall preside as chairman.

(*3*) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Vote of majority decisive.

24. (*1*) Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal committee shall be decided by a majority of the votes of the members present.

(*2*) In

(*g*) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

Resolutions to be recorded and published.

25. Every resolution passed by a municipal committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be open to inspection by the public at the municipal office at all reasonable times without charge, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may direct.

Language of committee.

26. The discussions and proceedings of a municipal committee shall be conducted and recorded either in English or in Burmese, as the committee at a special meeting may, from time to time, decide:

Provided that, if the discussions and proceedings are conducted and recorded in English, the committee shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

Power to make rules as to conduct of busines.

27. (*1*) A municipal committee may, from time to time, at a special meeting, make rules consistent with this Act as to—

(*a*) the time and place of its meetings;

(*b*) the manner in which notice thereof is to be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings;

(*e*) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by the vice-president, by sub-committees, by individual members

members and by officers or servants of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Act; and

(*g*) any other similar matters.

(*2*) A rule made under clause (*e*) shall not take effect until it has been confirmed by the Local Government, and no rule made under this section shall take effect until it has been published in such manner as the Local Government may direct.

Extraordinary powers of president and vice-president in case of emergency.

28. In cases of emergency the president, or in his absence the vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(*b*) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Joint Committees.

Joint committee of two or more committees or cantonment authorities.

29. A municipal committee may, from time to time, concur with any other municipal committee or cantonment authority, or with more than one such committee or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees or authorities,

authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which it is appointed.

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

30. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a municipal committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

Appointment of secretary.

31. (*1*) A municipal committee shall, from time to time, at a special meeting, appoint one of its members or some other person to be its secretary, and may at a like meeting remove any person so appointed.

(*2*) If a secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him any such pay as it thinks fit.

Employment of other officers and servants.

32. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal committee may appoint and remove, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay as it thinks fit.

Power to prevent extravagance in establishments.

33. If, in the opinion of the Commissioner, the number of persons employed by a municipal committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them

them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving the committee.

34. In the case of a Government official, a municipal committee may—

(*1*) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the ~~Government Civil Pension and Leave Codes~~ for the time being in force; and

(*2*) if he devotes only a part of his time to the performance of duties in behalf of the committee, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of other officers and servants.

35. In the case of an officer or servant not being a Government official referred to in section 34, a municipal committee may—

(*1*) grant him leave-allowances and, if he is employed under the committee appointed under the British Burma Municipal Act, 1874, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and VII of 1874

(*2*) if empowered in this behalf by the Local Government—

(*a*) subscribe in his behalf for pension or gratuity under the rules of the ~~Government Civil Pension and Leave Codes~~ for the time being in force; or

(*b*) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the ~~Government~~

~~Government Civil Pension and Leave Codes~~ for the time being in force, the servant would be entitled if the service had been service under Government.

Contracts and Transfers of Property.

Mode of executing contracts and transfers

36. (*1*) When a contract made by or on behalf of a municipal committee exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president and at least one other member of the committee.

(*2*) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the president or vice-president and by at least two other members of the committee.

(*3*) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

Penalty on member, officer or servant of committee being interested in contract made with committee.

37. (*1*) If any member, officer or servant of a municipal committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code. XLV of 1860

(*2*) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Acquisition of Land.

Acquisition of land under Act X of 1870.

38. Where any land, whether within or without the limits of a municipality, is required by a municipal committee for the purposes of this Act or for any other object which it is empowered to carry out under any other enactment for the time being in force, the Local Government may, at the request of the municipal

pal committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee. X of 1870.

Privileges and Liabilities.

Suits against committee and its officers.

39. No suit shall be instituted against a municipal committee or against an officer of any such committee in respect of an act purporting to be done by him in his official capacity until the expiration of one month next after notice in writing has been, in the case of a committee, delivered to or left at its office, and in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877. I of 1877.

Liability for loss, waste or misapplication.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a municipal committee, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against him by the committee or by the Secretary of State for India in Council.

CHAPTER IV.

TAXATION.

General Provisions.

Taxes which may be imposed for general purposes of Act.

41. (*1*) Subject to any general rules or special orders which the Governor General in Council may make

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make in this behalf, a municipal committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 45, any of the following taxes, namely :—

(*A*) with the previous sanction of the Local Government—

(*a*) a tax on buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the annual value of the buildings and lands;

(*b*) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;

(*c*) a tax on houses situate as aforesaid, according to the number of posts in each, at rates not exceeding the following, namely :—

For a house having not more than 2 posts	Rs. A. 0 8	per annum.
For a house having 3 posts	1 8	"
For a house having 4 posts	2 8	"
For a house having 5 posts	4 0	"
For a house having 6 posts	7 0	"
For a house having 7 posts	10 0	"

and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven;

(*d*) a tax on vehicles, boats and animals used for driving, riding, draught or burden, and dogs, kept within the municipality or any part thereof;

(*B*) with the previous sanction of the Local Government and of the Governor General in Council, any other tax :

Provided as follows :—

(*e*) only one of the taxes mentioned in clauses (*a*), (*b*) and (*c*) shall be imposed in respect of the same property; and

(*f*) in

(*f*) in assessing a house to the tax mentioned in clause (*a*), only posts facing a road or street shall be counted, except in the case of bázárs or large buildings extending through from street to street, in which case the posts contained in one row from street to street, instead of those facing streets, may, in the discretion of the assessing authority, be counted.

(*2*) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished.

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable.

Water-tax.

42. (*1*) Besides the taxes imposed under section 41, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose, in manner prescribed by section 45, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(*2*) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable

deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

Lighting-tax.

43. Besides the taxes imposed under the foregoing sections, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of lighting the public streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose, in manner prescribed by section 45, a tax, to be called the lighting-tax, upon buildings and lands situate within the municipality or that part thereof, as the case may be:

Provided that in fixing the rate or amount of the tax regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Scavenging-tax.

44. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, impose, in manner prescribed by section 45, upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Procedure in imposing such taxes.

45. (*1*) A municipal committee may resolve, at a special meeting, to propose the imposition of any tax under section 41, 42, 43 or 44.

(*2*) When

(*2*) When a resolution has been passed under sub-section (*1*), the committee shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(*3*) Any person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(*4*) If no objection is received within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the committee may submit its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(*5*) The Local Government, on receiving such proposals may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(*6*) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(*7*) When the proposals of a municipal committee in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

(*8*) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided

Provided that—

(*a*) no tax shall come into force until it has been notified;

(*b*) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(*c*) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(*9*) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

46. A municipal committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to Local Government to suspend levy of tax.

47. (*1*) If it at any time appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the municipal committee to take, within a specified period, measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may, by notification, suspend the levy of the tax or of any part thereof until the objection has been removed.

(*2*) The Local Government may at any time, by a like notification, rescind any such suspension.

Power to make rules for assessment, collection and remission of taxes.

48. (*1*) The Local Government may make rules for the assessment, collection, and remission of taxes leviable under this Act and preventing evasion of the same:

Provided that every such rule shall be consistent with the provisions of this Act and with the proposals sanctioned in respect of the tax under section 45.

(*2*) In

(*2*) In making any rule under this section the Local Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

Taxes not invalid for defect of form.

49. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of the tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes leviable under Act VII of 1874 to be deemed to be taxes under this Act.

50. All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal committee having authority over that local area comes into existence under this Act, shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act. VII of 1874.

Taxes on Immoveable Property.

Preparation of assessment-list.

51. (*1*) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

(*a*) the name of the street or division in which the property is situate;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual value, area or number of posts on which the property is assessed; and

(*e*) the amount of the tax assessed thereon by the committee.

(*2*) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements

measurements or number of posts or of the rent or annual value.

Publication of notice of assessments.

52. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

53. (*1*) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(*2*) All objections to the assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

54. (*1*) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the assessment contained in the list, except in the cases in which amendments have been entered therein; and subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(*2*) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers

occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

55. (*1*) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently assessed through mistake, oversight or fraud, after giving notice to any person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(*2*) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

56. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the assessment for the year following, giving the same notice of the assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

57. When a tax payable under section 41, clause (*a*), (*b*) or (*c*), or under section 42, 43 or 44, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given

given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

Taxes under section 41, clauses (*a*), (*b*) and (*c*), from whom due.

58. Every tax payable under section 41, clause (*a*), (*b*) or (*c*), shall be due jointly and severally from all persons who have been in occupation of the building or land assessed at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable, and from all persons who have held under them as tenants, mortgagees or conditional vendees.

Tax under sections 42, 43 and 44 payable by occupier.

59. Every tax leviable under section 42, 43 or 44 shall be payable by the occupier of the building or land in respect of which it is payable.

CHAPTER V.

Funds and Property.

Municipal fund constituted.

60. There shall be formed for each municipality a municipal fund, and there shall, except as by this Act provided, be credited thereto—

(*a*) all sums received by or on behalf of the committee under this Act or otherwise;

(*b*) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality;

(*c*) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its opinion a just and reasonable contribution towards the expenditure rendered necessary by the resort to

to the municipality of seamen from ships lying in the port; and

(*d*) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the funds of that municipality at the time when the municipal committee came into existence. VII of 1874.

Application of fund.

61. (*1*) The committee shall set apart and apply annually out of the municipal fund—

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 34 and 35;

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(*2*) Subject to the charges specified in sub-section (*1*) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality,

cipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(*a*) the construction, maintenance, improvement, cleansing and repair of streets, and of public bridges, embankments, drains, latrines, tanks and water-courses;

(*b*) the watering and lighting of the streets or any of them;

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, zayáts, wharves, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

(*e*) the training of teachers and the establishment of scholarships;

(*f*) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals;

(*h*) the planting and preservation of trees;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(*j*) the holding of fairs and industrial exhibitions; and

(*k*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

62. (*1*) There

School fund.

62. (*1*) There shall be formed for each municipality a school fund. To this fund shall be credited—

(*a*) the fees levied in schools maintained at the cost of the school fund;

(*b*) any assignment that may be made to the school fund from provincial funds or from any district or local fund;

(*c*) any other funds or income that may be entrusted to the municipality for the promotion of education; and

(*d*) any sums assigned for educational purposes from the municipal fund.

(*2*) The Local Government may fix for any municipality the minimum proportion of the municipal fund that shall be yearly assigned to the school fund under clause (*d*): Provided that the minimum so fixed shall not exceed 5 per cent. on the gross annual income of the municipality.

(*3*) No expenditure, except expenditure for the promotion of education, shall be charged against the school fund. In case of doubt, the Commissioner shall decide whether any expenditure is or is not for the promotion of education.

Custody of, and disbursements from, funds.

63. (*1*) The balances standing to the credit of the municipal fund and school fund, shall, if there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over situate within the municipality, be kept in that treasury, sub-treasury or bank. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury or bank as aforesaid, and such money as may be required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, direct.

(*2*) No disbursement of such funds or any part thereof shall be made except under the signature of

of the president or vice-president and one other member of the committee.

Investment of funds.

64. (*1*) A municipal committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund or school fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of the like nature.

(*2*) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund or school fund, as the case may be.

Property vested in municipality.

65. Subject to any special reservation made by the Local Government, all property in a municipality of the nature hereinafter specified shall be vested in and belong to the municipal committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

(*a*) all public town-halls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of municipal funds;

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, and other waterworks, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and

and all works, materials and things appertaining thereto;

(*d*) all dust, dirt, dung, ashes, refuse, animal-matter or filth, or rubbish of any kind, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere;

(*e*) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) all land or other property transferred to the committee by the Government or by gift or otherwise for local public purposes; and

(*g*) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things, provided for such streets.

Management of public institutions.

66. (*1*) The management, control and administration of every public institution maintained out of municipal funds shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(*2*) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Crown of property vesting in committee.

67. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 65 or section 66, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER VI.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

68. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

69. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to permit temporary occupation of streets, &c.

70. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

71. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

72. (*1*) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and

and in like manner may, from time to time, cause such names and numbers to be altered.

(*2*) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

73. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

74. (*1*) If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(*2*) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

75. (*1*) Every

Notice of new buildings.

75. (*1*) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(*2*) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

76. (*1*) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or acqueduct therein.

(*2*) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(*3*) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

Bathing and washing places.

77. The committee may set apart suitable places for the purpose of bathing, and may specify the times at

at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

78. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals.

79. (*1*) The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(*2*) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(*3*) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(*4*) Whoever

(*4*) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

Powers in respect of burial and burning places.

80. (*1*) The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*2*) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf :

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(*3*) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(*4*) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

Removal of corpses.

81. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

82. The committee may, where it appears to it to be necessary for the prevention of danger to life

or

or property, by public notice, prohibit all persons from stacking or collecting bamboos, dry grass, straw or other inflammable materials, or placing mats on thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

83. (*1*) The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, &c.

84. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

85. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the

the owner, of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation.

86. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act and which has not been so taxed.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

87. The committee, by any person authorized by it in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

88. (*1*) The

Power of entry for purpose of scavenging.

88. (*1*) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

(*2*) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

89. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

90. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Provision of privies, &c.

91. (*1*) The committee may, by notice, require the owner of any building to provide any privy or cesspool

pool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

(*2*) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(*3*) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair, alteration and closing of drains, privies and cesspools.

92. (*1*) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

(*2*) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy, or cesspool, or to make such alteration therein as it thinks fit.

Unauthorised buildings over drains, &c.

93. The committee may, by notice, require any person who, without its permission in writing, newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

94. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for

for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, &c., of unwholesome tanks, &c.

95. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

96. If any building or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

97. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings

Buildings and Grounds in unsanitary condition.

Power to require owner to clear away noxious vegetation.

98. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets, wells, &c.

99. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Cleansing of filthy buildings or land.

100. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to prohibit use for human habitation of buildings unfit for such use.

101. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

102. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Cultivation, use of manure or irrigation

103. (*1*) The committee, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or

or the irrigation of land in any specified manner in any place within the limits of the municipality is injurious to the health of persons dwelling in the neighbourhood, may, with the previous sanction of the Local Government, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury: Injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (*1*), he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

104. (*1*) The owner or occupier of every place within the municipality used for any of the following purposes, namely:— Regulation of offensive and dangerous trades.

melting tallow;

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(*2*) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(*3*) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(*4*) The committee may impose such conditions in respect of such license as it may think necessary.

(*5*) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to prohibit such trades.

105. (*1*) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(*2*) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner

manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make rules.

106. A committee may, from time to time, at a special meeting, make rules— Power to make rules.

(*a*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(*b*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(*e*) for the inspection and proper regulation of encamping grounds, pounds, zayáts, wharves not within the limits of any port, markets and slaughter-houses;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use; and

(*i*) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney-Carriage Act, 1879, is in force shall not make rules under clauses (*a*) and (*b*) in respect of any vehicles to which that Act applies.

XIV of 1879

Penalty for infringement of rules.

107. In making any rule under section 106 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of, or in addition to, such fine the Magistrate may require the offender to remedy the mischief so far as within his power.

Confirmation of rules.

108. No rule made under section 106 shall come into force until it has been confirmed by the Local Government

Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Supplemental.

Execution of acts required to be done by any notice.

109. (*1*) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(*2*) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

110. (*1*) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(*2*) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(*3*) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address

of

of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(*5*) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

111. (*1*) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(*2*) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 8, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable. X of 1870.

Appeals against certain orders of committee.

112. (*1*) Any person aggrieved by any order made by a committee under the powers vested in it by section 80, 101 or 105 may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner as the Local Government may prescribe in this behalf; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(*2*) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(*3*) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

113. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Throwing corpse or carcass into river, &c.

114. Whoever throws or causes to be thrown any corpse or carcass or any part thereof into any river, stream, well, lake, canal, tank or any other such place shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

115. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall

shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, &c.

116. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any carcass, dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

117. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

118. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 94, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals in disregard of orders.

119. Whoever keeps any swine, buffaloes, cows, oxen, sheep or goats in disregard of any orders which the committee may give to prevent them from becoming a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

120. Whoever feeds or allows to be fed any animal, which is kept for dairy purposes or may be used for food

food, on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

121. Whoever drives any vehicle after dark in any public street or thoroughfare unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

122. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

123. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

124. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

125. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

126. Any

Penalty on exposure of infected persons and things.

126. Any person who—

(1) while suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop or public conveyance or enters any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering; or,

(2) being in charge of any person so suffering, so exposes the sufferer; or

(3) gives, lends, sells, transmits or exposes without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding fifty rupees; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the Court to pay the owner and driver the amount of any loss and expense they may incur in carrying into effect any measures requisite for disinfection of the conveyance:

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, and if he fails to do so he shall be liable to a penalty not exceeding fifty rupees; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

128. Whoever

Picketing animals and collecting carts.

128. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Keeping corpses or carrying corpses by prohibited routes or so as to cause annoyance.

129. Whoever, without the permission of the committee, keeps a corpse or causes it to be kept in or on any building or land when seventy-two hours after death have elapsed, or carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

130. Whoever, in any public place, without being authorized by the committee, defaces or disturbs any direction-post or lamp-post or fence, or injures any tree, or extinguishes any light shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

131. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

132. Any

Prosecution to be suspended in certain cases.

132. Any prosecution for an offence under section 80, or section 105, or under section 131, when the order which has been disobeyed is appealable, shall be suspended, when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

133. The Commissioner or the Deputy Commissioner may—

(*a*) enter on and inspect, or cause to be entered on and inspected, any immoveable property situate within the limits of his division or district respectively and occupied by any municipal committee or joint committee, or any work which is in progress within those limits under the direction of any such committee or joint committee;

(*b*) call for and inspect any book or document in the possession or under the control of any such committee or joint committee having authority within those limits;

(*c*) require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee or joint committee, as he may think fit to call for; and

(*d*) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee or joint committee:

Provided

Provided that—

(*1*) when the Deputy Commissioner is a member of a committee or joint committee, he shall not exercise, in respect of that committee or joint committee, the powers conferred upon him by this section; and

(*2*) in any of the municipalities of Rangoon, Maulmain, Akyab and Bassein, and any other municipalities to which the Local Government may extend this clause, the said powers shall be exercised by the Local Government and not by any authority mentioned in the foregoing part of this section.

Power to suspend action under Act.

134. (*1*) The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal committee or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(*2*) When a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, and of any representations regarding it submitted to him by the municipal committee, to the Local Government, which may thereupon rescind the order or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in case of emergency.

135. (*1*) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal committee is empowered to execute or do, and the immediate execution

cution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(*2*) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is, from time to time, possible, from the balance in priority to any or all other charges against the same.

(*3*) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

Powers of Local Government in case of default of committee.

136. (*1*) If at any time it appears to the Local Government that a municipal committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(*2*) If that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the committee.

(*3*) If the expense is not so paid, the Deputy Commissioner, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in priority to any or all other charges against the same.

Power of Local Government to supersede committee in case of incompetency, persistent

137. (*1*) If a municipal committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor

Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the committee to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order. default or excess or abuse of powers.

(*2*) When a committee is so superseded, the following consequences shall ensue:—

(*a*) All members of the committee shall, as from the date of the order, vacate their offices as such members.

(*b*) All powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government appoints in that behalf.

(*c*) All property vested in the committee shall, during the period of supersession, vest in the Local Government.

(*3*) On the expiration of the period of supersession specified in the order, the committee shall be reconstituted, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified from being members.

138. (*1*) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a cantonment authority, the matter shall be referred— Disputes.

(*a*) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(*b*) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(*c*) to the Local Government, if the local authorities concerned are in different divisions and

and the Commissioners of those divisions cannot agree.

(*2*) The decision of the authority to which any dispute is referred under this section shall be final.

(*3*) If in the case mentioned in clause (*a*) the Deputy Commissioner is a member of one of the committees concerned, his functions under this section shall be discharged by the Commissioner.

(*4*) "Local authority" in this section means a municipal committee or cantonment authority.

Annual reports and statements.

139. (*1*) A municipal committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, in such form as the Local Government may prescribe, and a general report of its proceedings during that period:

Provided that separate accounts shall be submitted of—

(*a*) all receipts of the water-tax, lighting-tax and scavenging-tax, and of all expenditure on the purposes for which those taxes are levied, respectively; and

(*b*) all income under the heads mentioned in section 62, and all expenditure on educational purposes.

(*2*) Accounts submitted under this section shall be examined or audited in such manner as the Local Government prescribes.

Estimates of receipts and expenditure.

140. (*1*) A municipal committee shall submit, before such date in each year as may be directed by the Local Government, for the sanction of such authority as the Local Government may appoint in this behalf, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure, and may, from time to time, submit, in like manner, further estimates or proposals amending the same.

(*2*) No

(*2*) No expenditure shall be incurred by the committee unless it is provided for in a proposal sanctioned under this section.

(*3*) An abstract of the annual estimate and proposals submitted and sanctioned as required by this section shall be published in such manner as the Local Government directs.

Sanction to works.

141. (*1*) No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(*2*) If the estimated cost of any such new work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 140, or exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Maulmain, Bassein and Akyab, or

one-tenth of the estimated annual income of the municipal fund in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the Local Government, or by an officer empowered by the Local Government in this behalf.

Powers of Commissioner.

142. In all matters connected with the administration of this Act, a Commissioner shall have and exercise the same authority and control over a Deputy Commissioner subordinate to him as he has and exercises over the Deputy Commissioner in the general and revenue administration.

Additional power of Local Government to frame forms and make rules.

143. The Local Government may frame forms for any proceeding of a municipal committee for which it considers that a form should be provided, and may, in addition

addition to any other powers to make rules conferred by this Act, make rules consistent with this Act—

(*a*) as to the intermediate office or offices, if any, through which correspondence between municipal committees and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass;

(*b*) as to the preparation of estimates of receipts and expenditure of committees, and as to the conditions subject to which such estimates may be sanctioned;

(*c*) as to the returns, statements and reports to be submitted by committees; and

(*d*) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

144. (*1*) Every police-officer employed in a municipality shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(*2*) Any such police-officer may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(*a*) if the name and address of the person are unknown to him, or

(*b*) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(*3*) A

(*3*) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Prosecutions.

145. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of or with the approval of the municipal committee.

Member not to be deemed interested in prosecution.

146. A Judge or Magistrate shall not be deemed to be a party to, or personally interested in, any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted.

X of 1882.

Saving of prosecutions under other laws.

147. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules under section 7, 48, 106 or 143.

148. (*1*) The authority empowered to make rules under section 7, 48, 106 or 143 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*2*) Every

(*2*) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

Continuance of existing rules.

149. (*1*) The Local Government may, by notification in the official Gazette, direct that any rules made under the British Burma Municipal Act, 1874, and in force in any local area being, or comprised in, a municipality constituted under this Act at the time the municipal committee for that municipality comes into existence under section 13, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made. VII of 1874.

(*2*) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Recovery of Money.

Recovery of money.

150. All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal committee, and all arrears of taxes and other money due for water supplied or otherwise under this Act, may be recovered as if they were arrears of land-revenue.

Notices.

Authentication, service and validity of notices.

151. (*1*) Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

(*2*) If

(*2*) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(*3*) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(*4*) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(*5*) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

152. When any notice is, under the provisions of this Act, to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

(*a*) by delivering a written notice to some person on the property or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(*b*) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notices.

153. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration

Alteration of Municipal Limits.

Notification of intention to alter limits of municipality.

154. The Local Government may, by notification published in the official Gazette, and in such other manner as the Local Government may determine, declare its intention—

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification, or

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

155. (*1*) Any inhabitant of a municipality or local area in respect of which a notification has been published in the official Gazette under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the official Gazette, and the Local Government shall take his objection into consideration.

(*2*) When six weeks from the publication of the notification in the official Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (*1*), the Local Government may, by a notification in the official Gazette, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

156. (*1*) When a local area is excluded from a municipality under section 155—

(*a*) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(*b*) the

(*b*) the Local Government shall, after consulting the municipal commitee, frame a scheme determining what portion of the balance of the municipal and school funds and other property vested in the municipal committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(*2*) All property vested in Her Majesty under sub-section (*1*) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Effect of including local area in municipality.

157. When a local area is included in a municipality under section 155, this Act, and, except as the Local Government may otherwise, by notification in the official Gazette, direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Powers to except Municipalities from Provisions of Act.

Power to except municipality from provisions of Act unsuited thereto

158. (*1*) If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by like notification.

(*2*) While

(*2*) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Miscellaneous.

Saving of Act XI of 1879.

159. Nothing in this Act shall affect the Local Authorities Loans Act, 1879. XI of 1879.

Powers of Governor General in Council and of Local Government exercisable from time to time.

160. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Decision of questions as to whether persons are "inhabitants."

161. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

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THE PANJAB COURTS ACT, 1884.

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[*Price eight annas.*]

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THE SCHEDULE.—ACTS REPEALED.

ACT No. XVIII OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd October, 1884.)

An Act to amend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (*1*) This Act may be called the Panjáb Courts Act, 1884.

(*2*) It extends to the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and

(*3*) it shall come into force on the first day of November, 1884.

82 (*4*) Any power conferred by this Act to make rules or to issue orders creating territorial divisions, establishing Courts, appointing and posting officers, or fixing the pecuniary or local limits of their jurisdiction or conferring powers may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

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Repeal of Acts.

2. On and from that day the Acts mentioned in the

the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "Assistant Commissioner" includes Extra Assistant Commissioner:

(*2*) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner, of a Tahsíldár or of a Náib Tahsíldár exercising jurisdiction in suits of any of the classes mentioned in section 45:

(*3*) "small cause" means a suit of the nature cognizable in a Court of Small Causes constituted under Act XI of 1865, and any other suit not being a suit of any description specified in section 19 of the Presidency Small Cause Courts Act, 1882, which the Chief Court, with the sanction of the Local Government, may direct to be treated as a small cause for the purposes of appeal: XV of 1882.

(*4*) "land" means land assessed or liable to be assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village:

(*5*) "rent" means whatever is payable by an occupant of land on account of the use or occupation thereof:

(*6*) "tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor:

(*7*) "landlord" means any person entitled to receive rent paid by a tenant; and

(*8*) "value," used with reference to a suit, means the amount or value of the subject-matter of the suit.

CHAPTER II.

CHAPTER II.

THE CHIEF COURT.

Constitution of Chief Court and appointment and tenure of Judges.

4. There shall continue to be a Chief Court consisting of three or more Judges, who shall be appointed by the Governor General in Council and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing.

Rank and precedence of Judges of Chief Court.

5. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges:

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

Civil appellate jurisdiction.

6. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Criminal jurisdiction.

7. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Delegation of powers to members of Court.

8. (*1*) Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide, in such manner as it thinks fit, for the exercise by one or more of its Judges of any of its powers:

Provided that no decree, sentence, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by any Judge of the Chief Court sitting alone.

XIV of 1882.

(*2*) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining which Judges shall

shall sit as a full bench, when a full bench sitting becomes necessary.

(*3*) Subject to the provisions of sub-section (*2*), the Senior Judge may determine which Judge in each case shall sit alone, and which Judges of the Court shall constitute any bench.

Appeals from original jurisdiction of Chief Court.

9. Except as otherwise provided by any enactment for the time being in force, an appeal from any decree or order made by the Chief Court—

(*a*) in exercise of its original jurisdiction in cases withdrawn from other Courts under section 25 of the Code of Civil Procedure, or XIV of 1882.

(*b*) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section,—

shall lie in the cases and in manner following (that is to say):—

(*1*) if the decree or order is made by a single Judge, the appeal shall lie either to a bench consisting of two other Judges, or to a full bench, as the Court may, by general rule or special order, direct;

(*2*) if the decree or order is made by a bench of Judges not being a full bench, and the Judges differ in opinion, the appeal shall lie to a full bench.

Rule of decision when Judges differ.

10. Except as otherwise provided by any enactment for the time being in force,

(*1*) when there is a difference of opinion among the Judges composing any bench of the Chief Court, the decision shall be in accordance with the opinion of the majority of those Judges;

(*2*) If there is no such majority, then—

(*a*) if the bench is a full bench, or is exercising original civil jurisdiction, the decision shall be in accordance with the opinion of the Senior Judge;

(*b*) in other cases, the bench before which the question has arisen shall refer the question to

to a full bench, and shall dispose of the case in accordance with the decision of the full bench.

Power to refer question to full bench.

11. Any single Judge of the Chief Court and any bench of Judges of that Court, not being a full bench, may in any case refer for the decision of a full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the Judge or bench, and shall dispose of the case in accordance with the decision of the full bench on the question.

Ministerial officers.

12. (*1*) The Chief Court may appoint a Registrar and Deputy Registrar, and such other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(*2*) The appointment of the Registrar shall be subject to the sanction of the Local Government.

(*3*) The officers appointed under this section shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(*4*) Any such officer may be suspended or dismissed from his office by order of the Chief Court:

Provided that neither the Registrar nor the Deputy Registrar shall be dimissed without the previous sanction of the Local Government.

Superintendence and control of Subordinate Courts.

13. The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Chief Court.

Power to make rules.

14. (*1*) The Chief Court may make rules consistent with this Act and any other enactment for the time being in force—

(*a*) providing for the translation of any papers filed in the Chief Court and copying or printing

ing any such papers or translations, and requiring from the persons at whose instance or on whose behalf they are filed payment of the expenses thereby incurred;

(*b*) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb, and regulating the conduct of persons so practising;

(*c*) determining in what cases persons practising in those Courts shall be permitted to address the Court in English;

(*d*) prescribing forms for seals to be used by those Courts;

(*e*) regulating the procedure in cases where any person is entitled to inspect a record of any such Court or obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;

(*f*) conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

(*g*) prescribing forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in those Courts or submitted to any authority;

(*h*) providing for the inspection of those Courts and the supervision of the working thereof; and

(*i*) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.

(*2*) A

(*2*) A rule made under clause (*a*), (*b*), (*c*), (*f*) (*g*), (*h*) or (*i*) shall not take effect until it has been sanctioned by the Local Government and has been published in the official Gazette.

(*3*) Whoever breaks any rule made under clause (*b*) shall be punished with a fine which may extend to fifty rupees.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

15. (*1*) The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of those registers, books and accounts, and such statements of the work done in the Court, as may be required by the said Government.

(*2*) The Chief Court shall also comply with such requisitions as may be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Chief Court and the Courts subordinate thereto.

Procedure of Chief Court in exercise of civil jurisdiction.

16. (*1*) The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, directs, and may frame forms for any proceeding in the Court in the exercise of its civil jurisdiction.

XIV of 1882. (*2*) The following provisions of the Code of Civil Procedure shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum.

XIV of 1882. (*3*) Section 579 of the said Code shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

CHAPTER III.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

Classes of Courts.

17. Besides the Chief Court, the Courts of Small Causes established under Act XI of 1865 and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts (namely):—

(*a*) the Divisional Court;

(*b*) the Court of the District Judge;

(*c*) the Court of the Subordinate Judge;

(*d*) the Court of the Munsif.

Territorial Divisions.

Civil divisions and districts.

18. (*1*) For the purposes of this Act the Local Government shall divide the territories under its administration into civil divisions, and each civil division into civil districts.

(*2*) The Local Government may alter the limits or the number of these divisions and districts.

Divisional and District Courts.

Establishment of Divisional Courts.

19. (*1*) The Local Government shall appoint as many persons as it thinks necessary to be Divisional Judges, and shall for each civil division establish a Divisional Court consisting of one or more such Judges.

(*2*) The Local Government may, where a Divisional Court consists of more than one Judge, by general rule or special order determine which of them shall be deemed to be the senior.

Establishment of District Courts.

20. The Local Government shall appoint as many persons as it thinks necessary to be District Judges, and

and shall post one such person to each district as District Judge of that district:

Provided that the same person may, if the Local Government thinks fit, be appointed to be District Judge of two or more districts.

Distribution of business in Divisional Court.

21. The Chief Court may, subject to the provisions of this Act and any other enactment for the time being in force, make rules to provide for the exercise of any of the powers of a Divisional Court consisting of more than one Judge by one or more Judges of the Court:

Provided that no decree, decision or order of any Court, not being an order within the meaning of the XIV of 1882. Code of Civil Procedure, shall be reversed or modified by a single Judge of a Divisional Court consisting of more than one Judge.

Original jurisdiction of Divisional and District Courts in suits.

22. Except as otherwise provided by any enactment for the time being in force, the Divisional Court and the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

District Court to be principal Civil Court of original jurisdiction.

23. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district:

Provided that—

IV of 1869. (*a*) for the purposes of the Indian Divorce Act, the Divisional Court shall be deemed to be the District Court for all districts comprised in the division; and

(*b*) the Local Government may direct that the Divisional Court shall for any other purpose be deemed to be the District Court or principal Civil Court of original jurisdiction for any district comprised in the division.

Subordinate Judges and Munsifs.

Appointment of Subordinate Judges.

24. The Local Government may appoint as many persons as it thinks necessary to be Subordinate Judges.

Appointment of Munsifs.

25. (*1*) The Local Government may fix the number of Munsifs to be appointed, and, when there is any vacancy in that number, the Chief Court may, subject to the rules (if any) made under sub-section (*2*), appoint such person to the same as it thinks fit.

(*2*) The Chief Court may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsifs.

Pecuniary limits of jurisdiction of Subordinate Judges and Munsifs.

26. (*1*) The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge or Munsif shall, in the case of a Subordinate Judge, be determined by the Local Government, and, in the case of a Munsif, by the Chief Court, either by including him in a class or grade, or otherwise as it thinks fit.

(*2*) The jurisdiction in the case of a Subordinate Judge may be without limit, but in the case of a Munsif shall not extend to suits the value of which exceeds one thousand rupees.

Local limits of their jurisdiction.

27. (*1*) The local limits of the jurisdiction of a Subordinate Judge shall be such as the Local Government may define.

(*2*) The local limits of the jurisdiction of a Munsif shall be such as the Chief Court may define.

(*3*) When the Local Government posts a Subordinate Judge, or the Chief Court posts a Munsif, to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

Special Judges and Benches.

28. (*1*) The Local Government may confer on any person all or any of the powers conferable under this Act on a Subordinate Judge or Munsif with respect

spect to particular classes of cases, or with respect to cases generally in any local area, and may withdraw, or suspend the exercise of, any powers so conferred.

(*2*) The Local Government may direct any uneven number of persons invested with powers of the same description and exerciseable within the same local area under this section to sit together as a bench; and those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(*3*) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(*4*) Persons on whom powers are conferred under this section shall be called Special Judges, and such persons and the benches constituted under this section shall be deemed, for the purposes of this Act, to be Subordinate Judges or Munsifs, as the Local Government may direct.

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Court.

29. (*1*) The Chief Court may, by order, authorize any District Court to transfer to a Subordinate Judge or Munsif under its control any of the following proceedings or any class of such proceedings specified in the order, and then pending or thereafter instituted before the District Court (that is to say):—

(*a*) applications for certificates under Act XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*);

(*b*) proceedings under Act XL of 1858 (*for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal*) or Act IX of 1861 (*to amend the law relating to Minors*).

(*2*) The District Court may withdraw any proceedings

ceedings so transferred, and may either itself dispose of them, or, with the previous sanction of the Chief Court, transfer them to any other Subordinate Judge or Munsif under its control.

(*3*) All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) subject to the rules applicable to like cases when disposed of by the District Court.

Small Cause Jurisdiction.

Power to confer Small Cause Court jurisdiction.

30. The Local Government may confer, within such local limits as it thinks fit, upon any District Judge, Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it thinks fit, and may withdraw any jurisdiction so conferred.

Suspension and Removal.

Suspension and removal.

31. (*1*) Any Divisional Judge, District Judge or Subordinate Judge may be suspended or removed from office by the Local Government.

(*2*) Any Munsif may, subject to the control of the Local Government, be suspended or removed from office by the Chief Court.

Valuation of Suits.

Valuation of suits.

32. When the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that suits of that class shall, for all or any of the purposes of this Act, be treated as if their subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

Administrative

Administrative Control.

Controlling powers of Divisional and District Courts.

33. (*1*) Subject to the general superintendence and control of the Chief Court, every Divisional Court shall control all other Civil Courts in the division.

(*2*) Subject as aforesaid and to the control of the Divisional Court, every District Court shall control all other Civil Courts in the district.

Power of Divisional Court to transfer business.

34. (*1*) Every Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

XIV of 1882.

(*2*) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

Power to distribute business.

35. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court and District Court may, by written order, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit:

XIV of 1882.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Ministerial officers of Subordinate Courts.

36. (*1*) The ministerial officers of the Divisional and District Courts and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively.

(*2*) The ministerial officers of all Courts controlled by a District Court, other than Courts of Small Causes, shall be appointed, and may be suspended and dismissed, by the District Court.

(*3*) Every appointment under this section shall be subject to such rules as the Local Government prescribes

prescribes in this behalf, and, in dealing with any matter under this section, a District Court or a Judge of a Court of Small Causes shall act subject to the control of the Divisional Court.

Power to fine ministerial officers.

37. (*1*) A Divisional or District Court or any Court under the control of a District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

(*2*) The District Court, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify an order made under sub-section (*1*) by any Court under its control other than a Court of Small Causes, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control other than a Court of Small Causes.

Delegation of District Judge's powers

38. A District Court may, with the previous sanction of the Local Government, delegate to any Subordinate Judge in the district the powers conferred on a District Court by sections 33, 35 and 36 of this Act, and section 25 of the Code of Civil Procedure, XIV of 1882 to be exercised by the Subordinate Judge in any specified portion of the district subject to the control of the District Court.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

First appeals to whom to lie

39. (*1*) Appeals from the decrees of a Munsif in small causes shall, when such appeals are allowed by law, and the value of the suit does not exceed five hundred rupees, lie to the District Judge.

(*2*) Appeals from the decrees of a District or Subordinate Judge in original suits, when the value of the suit exceeds five thousand rupees, and appeals from the decrees of the Divisional Court in original suits

suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(*3*) Appeals from decrees in original suits, not hereinbefore or by any other enactment for the time being in force provided for, shall, when such appeals are allowed by law, lie to the Divisional Court.

Further appeal from Divisional Court.

40. A further appeal shall lie to the Chief Court in the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely :—

(*a*) if the value of the suit exceeds five hundred rupees; or

the decree involves directly some claim to, or question respecting, property of like value;

(*b*) if the Divisional Court consists of a single Judge and the decree varies or reverses the decree of the Court below;

(*c*) if in a Divisional Court consisting of more than one Judge the appeal is heard by two or more Judges, and there is not a majority of those Judges concurring in the decree passed by the Divisional Court;

(*d*) if on the application of any party a Judge of the Divisional Court certifies that there is a question of law or custom or of general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal:

Provided that—

(*1*) an application under clause (*d*) shall not be received after the expiration of thirty days from the date on which the decree of the Divisional Court is passed unless the applicant satisfies the Judge that he had sufficient cause for not presenting it within that period; and

(2) no

(*2*) no further appeal shall lie in any small cause when the value of the suit does not exceed five hundred rupees.

Appellate decision of District or Divisional Court otherwise final.

41. Subject to the provisions of section 40 of this Act and sections 595 and 622 of the Code of Civil Procedure, a decree of the District or Divisional Court passed in appeal shall be final. XIV of 1882.

Power to confer appellate jurisdiction on Subordinate Judge.

42. (*1*) The Local Government may confer on a Subordinate Judge the powers of a District Judge for the purpose of hearing appeals from the Courts of Munsifs in any local area, and withdraw those powers.

(*2*) A Subordinate Judge shall, for purposes connected with the exercise of powers so conferred, be deemed to be a District Judge.

Period of limitation.

43. (*1*) The period of limitation for an appeal under section 39 or section 40 shall run from the date of the decree appealed against, and shall be as follows, that is to say :—

(*a*) when the appeal lies to the District or Divisional Court—sixty days;

(*b*) when the appeal lies to the Chief Court—ninety days.

(*2*) In computing these periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877 : XV of 1877.

Provided that, in computing the period of ninety days for an appeal under section 40, clause (*d*), the time during which the application under that clause has been pending shall be excluded.

References to Chief Court under section 617 of Code of Civil Procedure.

44. For the purposes of section 617 of the Code of Civil Procedure, every appeal to a Divisional Court under this chapter shall, except when the value of the suit exceeds five hundred rupees, be deemed to be an appeal in which the decree is final. XIV of 1882.

CHAPTER V.

CHAPTER V.

Revenue Courts.

Certain classes of suits cognizable by Revenue Courts only.

45. Suits of any of the classes comprised in the following groups instituted on and after the date on which this Act comes into force, shall be instituted, heard and determined in Revenue Courts and not otherwise :—

First Group.

(*a*) Suits by tenants to establish a claim to a right of occupancy.

XXVIII of 1868.

(*b*) Suits by landlords under section 6 of the Panjáb Tenancy Act, 1868, to prove that a tenant presumed to have a right of occupancy under that section has no such right.

(*c*) Suits for enhancement or abatement of rent under Chapter III of the same Act.

(*d*) Suits for ejectment of a tenant.

(*e*) Suits under section 25 of the said Act to contest liability to be ejected when notice of ejectment has been served.

Second Group.

(*f*) Suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like.

(*g*) Suits for the recovery of any over-payment of rent.

(*h*) Suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár.

(*i*) Suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts.

(*j*) Suits

(*j*) Suits by assignees of land-revenue for arrears of revenue due to them as such.

(*k*) Suits by superior proprietors for arrears of revenue due to them as such.

(*l*) Suits under section 9 of the Specific Relief Act to recover possession of land. I of 1877.

(*m*) Suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer:

Provided that the Local Government may, after consulting the Chief Court, direct that suits of any of these classes arising in any local area shall be heard and determined by the Civil Courts and not by the Revenue Courts, and cancel any such direction.

Original jurisdiction of Deputy Commissioner and his subordinates in suits.

46. (*1*) A Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 45.

(*2*) An Assistant Commissioner or Tahsíldár shall have power to try suits of such classes mentioned in the second group of the same section, and within such limits as regards value, as may be determined by the Local Government either by including him in a class or grade, or otherwise as it thinks fit.

(*3*) The Local Government may invest a Náib Tahsíldár with power to try suits of the classes mentioned in section 45, clauses (*f*), (*g*), (*h*), (*i*) and (*k*), when the value does not exceed one hundred rupees.

(*4*) The powers conferred by this section shall be exercised within such local limits as the Local Government may direct, and in the absence of any such direction throughout the district or tahsíl to which the officer is posted.

Appeals from original decrees.

47. An appeal shall lie from a decree passed in an original suit of any of the classes mentioned in section 46 as follows, namely:—

(*a*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five

five thousand rupees—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner in a suit of the first group and the value of the suit does not exceed five thousand rupees, or

in a suit of the second group and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner;

(*c*) when the decree is passed by an Assistant Commissioner, Tahsíldár or Náib Tahsíldár—to the Deputy Commissioner:

Provided that—

(*1*) no appeal shall lie from a decree passed in a suit of the class mentioned in section 45, clause (*l*);

(*2*) the Local Government may direct that no appeal shall lie from the decree of any Assistant Commissioner or class or grade of Assistant Commissioners designated by it in this behalf in any suit of the classes specified in clauses (*f*) to (*k*), both inclusive, of section 45, unless—

(*a*) the value of the suit exceeds such sum, not being more than one hundred rupees, as the Local Government may fix in this behalf, or

(*b*) the decree has decided a question of title to land or to some interest in land as between parties having conflicting claims thereto or as to the amount of some rent or revenue or other payment to which there is a recurring claim or as to the principle on which revenue, profits or village-expenses or other dues should be apportioned.

(*3*) The Local Government may direct that appeals shall lie from the decrees of an Assistant Commissioner or any class of Assistant Commissioners as if those decrees were passed by a Deputy Commissioner.

48. A further appeal shall lie from a decree passed on

Further appeals from appellate decrees.

on appeal in a suit of any of the classes mentioned in section 45 on any ground which would be a good ground of appeal if the decree had been passed in an original suit as follows, namely :—

(*a*) when the decree is passed by a Commissioner in a suit of the first group and reverses or modifies the original decree—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*c*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner.

No appeals except under the foregoing sections.

49. Except as provided by the foregoing sections, no appeal shall lie from a decree passed under this chapter.

Limitation of appeals under this chapter.

50. (*1*) The period of limitation for an appeal under section 47 or 48 shall run from the date of the decree appealed against, and shall be as follows, that is to say :—

(*a*) when the appeal lies to the Court of the Deputy Commissioner or the Commissioner—sixty days;

(*b*) when the appeal lies to the Financial Commissioner—ninety days.

(*2*) In computing those periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877. XV of 1877.

Power to confer powers of Financial Commissioner, Commissioner and Deputy Commissioner.

51. (*1*) The Local Government may confer on any person all or any of the powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter, and may withdraw the powers so conferred.

(*2*) Any

(*2*) Any person on whom powers are conferred under this section shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise of the same be deemed a Financial Commissioner, Commissioner or Deputy Commissioner, as the case may be.

Appointment of second Financial Commissioner.

52. (*1*) The Local Government may, if it thinks fit, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government.

(*2*) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners, and, until such rules are made and subject to such rules, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

Procedure of Revenue Courts how to be regulated.

53. (*1*) The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts.

XIV of 1882

(*2*) Until such rules are made, and subject to such rules when made and to the provisions of this Act,—

XIV of 1882

(*a*) the provisions of the Code of Civil Procedure shall, so far as applicable, apply to all proceedings whether before or after decree in cases under this chapter; and

(*b*) the

(*b*) the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under the said Code. XIV of 1882.

Power to refer party to Civil Court.

54. (*1*) If, in any suit pending before a Revenue Court exercising original appellate or revisional jurisdiction under this chapter, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may, if it thinks fit, decide the question against him.

(*2*) If he institutes such a suit, the Revenue Court shall dispose of the suit pending before it in accordance with the final decision of the Civil Court of first instance or appeal (as the case may be).

Power for Financial Commissioner to refer question to Chief Court.

55. (*1*) When a question of the description mentioned in section 617 of the Code of Civil Procedure arises before the Financial Commissioner in the exercise of any of his powers under this Chapter, he may refer the question for the decision of the Chief Court in manner prescribed by that section: XIV of 1882.

Provided that he shall not be bound to express any opinion thereon.

(*2*) On a reference being made under sub-section (*1*), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the provisions of sections 618, 619 and 620 of the said Code, and the Chief Court may return for amendment the statement received from the Financial Commissioner if it is not sufficient to enable the Court to determine the question referred. XIV of 1882

Administrative

Administrative Control.

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

56. (*1*) The general superintendence and control over all other Revenue Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Financial Commissioner.

(*2*) Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control all other Revenue Courts in his division.

(*3*) Subject as aforesaid and to the control of the Commissioner, every Deputy Commissioner shall control all other Revenue Courts in his district.

Power to transfer business.

57. Every Commissioner and Deputy Commissioner may exercise, as regards the Courts under his control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

XIV of 1882.

Power to distribute business.

58. Every Commissioner and Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Ministerial officers of Courts.

59. (*1*) The ministerial officers of the Courts of the Financial Commissioner, Commissioner and Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Judges of those Courts, respectively.

(*2*) The ministerial officers of all Courts controlled by a Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Deputy Commissioner.

(*3*) Every appointment under this section shall be subject to such rules as the Local Government prescribes

prescribes in this behalf; and in dealing with any matter under this section a Commissioner shall act subject to the control of the Financial Commissioner, and a Deputy Commissioner subject to the control of the Commissioner.

Power to fine ministerial officers.

60. (*1*) A Commissioner or Deputy Commissioner and the presiding officer of every Court under the control of a Deputy Commissioner may fine, in an amount not exceeding one month's salary, any ministerial officer of his Court for misconduct or neglect in the performance of his duties.

(*2*) The Deputy Commissioner, subject to the general control of the Commissioner, may, on appeal or otherwise, reverse or modify any order made under sub-section (*1*) by the presiding officer of any Court under his control, and may of his own motion fine up to the amount of one month's salary any ministerial officer of any such Court.

Delegation of Deputy Commissioner's powers.

61. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in the district the powers conferred on Deputy Commissioners by sections 56, 57, 58 and 59 to be exercised by the Assistant Commissioner in any specified portion of the district subject to the control of the Deputy Commissioner.

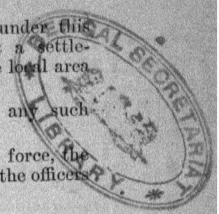
CHAPTER VI.

SETTLEMENT COURTS.

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

62. (*1*) The Local Government may, by notification in the official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling the settlement with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in the local area.

(*2*) The



(*2*) The publication of a notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(*3*) The Local Government may cancel any such notification.

(*4*) While the notification continues in force, the powers specified in it shall be exercised by the officers so invested, and not otherwise:

Provided as follows:—

(*a*) the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer has been invested by the notification shall be exercised solely by the Courts by which the jurisdiction would have been exercised if the notification had not been published; and

(*b*) any cases pending before any officer under the notification when it is cancelled may, notwithstanding the cancellation, be disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the notification had not been published.

Power to alter subordination of Courts for purposes of section 62.

63. For the purposes of section 62 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court and the Court of the Financial Commissioner) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Mode of appointment and conferring powers.

64. Except as otherwise provided by this Act, the

the Local Government may, when it is empowered by this Act to make any appointment or confer any powers, appoint, or confer the powers on, any person specially by name or by virtue of his office.

Powers exerciseable from time to time.

65. All powers conferred by this Act may be exercised from time to time, as occasion requires.

Place of sitting of Courts.

66. (*1*) The Local Government may fix the place or places at which any Court under this Act is to be held.

(*2*) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(*3*) Except as may be otherwise provided by any order under this section, a Court under this Act may be held at any place within the local limits of its jurisdiction.

Vacations.

67. (*1*) Subject to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as holidays in the Chief Court and the Civil Courts subordinate thereto, and the Financial Commissioner shall prepare a like list for his Court and the Courts subordinate thereto.

(*2*) Every such list shall be published in the official Gazette.

Pending proceedings.

68. (*1*) All cases or proceedings pending in the Chief Court on the day when this Act comes into force shall be disposed of as if this Act had not been passed.

(*2*) All cases or proceedings pending in any Civil Court subordinate to the Chief Court on that day shall be disposed of as if this Act had not been passed:

Provided that the Chief Court may direct that any such cases or proceedings shall be transferred for disposal to any Civil Court established under this Act which would have had jurisdiction if it had been in existence when the cases or proceedings were instituted.

(*3*) In the case of an appeal pending on the said day, the following shall, for the purposes of sub-section

tion (*2*), be deemed to be the Court which would have had jurisdiction as aforesaid, namely:—

(*a*) when the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) when the appeal is one in a small cause, and is pending before the Deputy Commissioner or an officer invested with the appellate powers of a Deputy Commissioner and the value of the suit does not exceed five hundred rupees,—the District Court;

(*c*) in other cases,—the Divisional Court.

Appeals after Act comes into force against decrees, &c., passed before.

69. Appeals from decrees, orders and decisions passed by Civil Courts and not appealed against before the date on which this Act comes into force shall lie and be disposed of as if this Act had not been passed and not otherwise:

Provided that the Courts to which such appeals shall lie shall be as follows:

(*a*) when the appeal would before the said date have lain to the Chief Court, or the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) in small causes when the value of the suit does not exceed five hundred rupees, and the appeal would before the said date have lain to the Deputy Commissioner, or an officer exercising the appellate powers of a Deputy Commissioner,—the District Court;

(*c*) in other cases,—the Divisional Court.

Modification of section 622 of Civil Procedure Code.

XIV of 1882.

70. Section 622 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read as if the words "illegally or" were omitted, and for the purposes of that section no appeal shall be deemed to lie from the appellate decree of a Divisional Court to the Chief Court when the case does not fall under clause (*a*), clause (*b*) or clause (*c*) of

of section 40, and an application under clause (*d*) of that section has been refused.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

71. In the first schedule annexed to the Court-fees Act, 1870, after No. 12, the following shall be inserted :— VII of 1870.

NUMBER.		PROPER FEE.
13. Application to the Chief Court or the Court of the Financial Commissioner of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal.

Refund of fee paid on application for revision.

72. If the Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a Subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded. XIV of 1882.

Saving of certain appointments, rules and forms, notifications, powers and orders.

73. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms made and prescribed under sections 19, 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

Amendment of Act X of 1870, section 3.

74. In the Land Acquisition Act, 1870, section 3, before the words "British Burma," in both places where X of

Act I of

where they occur, the words "the Panjáb" shall be inserted.

XXVIII of 1868.

Amendment of Act XXVIII of 1868, section 42.

75. In the Panjáb Tenancy Act, 1868, section 42, for the words "and thirty-one" the words "thirty-one and forty" shall be substituted.

THE SCHEDULE.

ACTS REPEALED.

(*See section 2.*)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877	The Panjáb Courts Act, 1877.	The whole, except section eighteen.

Government of India Central Printing Office.—No. 129 L. D.—3-11-84.—3,400.

THE RANGOON WATER-WORKS ACT, 1884.

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[*Price five annas and six pies.*]

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CHAPTER VII.

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ACT No. XIX OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October, 1884.)

An Act to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

WHEREAS a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the Town of Rangoon by the Municipal Committee for that town;

And whereas it is necessary for the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should vest in, and be under the control of, the Municipal Committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said Municipal Committee with respect to the construction and maintenance of the proposed water-works and the supply of water to the Town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said Municipal Committee which could have been lawfully done if this Act had been in force should be validated;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Rangoon Water-works Act, 1884; and

(*2*) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, fix in this behalf.

(*3*) All acts done before the passing of this Act which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "town" means the local area for the time being comprised within the municipal limits of the Town of Rangoon :

(*2*) "street" means any street, road, thoroughfare, passage or place over which the public have a right of way ; and includes the surface soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street :

(*3*) "owner" includes—

(*a*) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person ;

(*b*) an agent of that person ; and

(*c*) a trustee for that person :

(*4*) "house" includes schools ; also factories and other buildings in which persons are employed :

(*5*) "water-works"

(5) "water-works" includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the Town of Rangoon:

(6) "the Committee" means the Municipal Committee for the Town of Rangoon:

(7) "water-rent" includes any rent, reward or payment to be made to the Committee in connection with the supply of water under this Act, but does not include the water-tax leviable under the Burma Municipal Act, 1884: and

(8) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

CHAPTER II.

Vesting of Property.

Vesting of Royal Lake and cisterns &c., in Committee.

3. There shall vest in, and be under the control of, the Committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

(*a*) the Royal Lake at Rangoon; and

(*b*) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, stand-pipes and works, used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto:

Provided

Provided as follows:—

(*1*) Any person may at any time, subject to such rules as the Committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake:

(*2*) Nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

Duty of Committee to construct works for supply of water.

4. Subject to rules to be made under this Act by the Chief Commissioner, the Committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Provided that the Chief Commissioner may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

Duty of Committee to erect stand-pipes.

5. The Committee shall cause such stand-pipes or pumps to be erected, at such intervals as the Chief Commissioner, by rules made under this Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Power for Committee to execute works.

6. The Committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Provided

Provided that, in the exercise of these powers, the Committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

X of 1870.

Power for Committee to break up streets.

7. The Committee may open and break up the soil and pavement of the street., and lay down and place pipes, conduits and other works and engines, and, from time to time, repair, alter or remove the same, and do all other acts which the Committee, from time to time, deem necessary for supplying water to the town.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of water for domestic purposes to Occupiers of Houses or Lands.

Right of occupier to certain supply of water for domestic purposes.

8. (*1*) Every occupier of a house or land situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of fifteen hundred gallons of pure and wholesome water for domestic purposes for every rupee paid to the Committee for water-tax on account of the house or land.

(*2*) If the Committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own expense, and attach it to such part of the communication-pipes as they think fit.

(*3*) If the occupier consumes any water over and above the quantity to which he is entitled free of further

ther charge under this section, he shall pay for it at the rate of one rupee for every fifteen hundred gallons, or part of fifteen hundred gallons.

Right of occupier paying water-tax to have water brought into his house or land.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the Committee, for bringing into his house or land a reasonable supply of water:

Provided that the Committee may cut off the supply of water to any house or land while the house or land is unoccupied.

Construction of communication-pipes.

10. The communication-pipes leading the water from the service-pipes of the Committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the Committee fix and approve, and shall be constructed at the expense of the person requiring them.

Inspection of works, pipes and fittings before connection with service-pipes.

11. (*1*) Before a connection for the supply of water from the service-pipes of the Committee to any house or land is sanctioned by the Committee, the Committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the Committee appoint in this behalf.

(*2*) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the Committee, at a special meeting, from time to time, direct.

(*3*) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Committee's service-pipes shall not be permitted.

Connection with service-pipes to be executed only by an officer of the Committee.

12. (*1*) The connection with the service-pipes of the Committee, and the laying of communication-pipes under any street, shall be executed by an officer of the Committee authorized in that behalf.

(*2*) The

(2) The expense of making the connection shall be payable in advance by the person applying for the same, at such rate as the Committee, at a special meeting, from time to time, direct.

Power for officer of Committee to enter premises.

13. (1) The officer authorized in that behalf by the Committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Committee may forthwith turn off or cut off the water from the house or land.

Power for Committee to turn off water when pipes are out of repair.

14. If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination by any officer of the Committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the Committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off or cutting off the water from the occupier of the house or land.

B.—Supply for gratuitous use in Stand-pipes.

Duty of Committee to supply water for gratuitous use in stand-pipes.

15. The Committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the Committee under section 5.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

Duty of Committee to fix fire-plugs in mains.

16. The Committee shall fix and renew and keep in effective order such fire-plugs in such of the mains

and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the Chief Commissioner, by rules made under this Act, directs.

Duty of Committee to supply water for cleansing sewers and drains.

17. In all the mains and pipes to which any fire-plug is fixed, the Committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than domestic purposes.

Supply for other than domestic purposes.

18. (*1*) The Committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the Committee and the person :

Provided that—

(*a*) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the Committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act ; and

(*b*) the Committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(*2*) When any such agreement has been entered into by the Committee with any person, the Committee may, subject to such charges or rates as may have been fixed by the Committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Committee,

Committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

Pressure at which water must be kept.

19. From such a day as the Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in the mains and pipes which the Committee are required to lay under this Act shall be laid on at such pressure as the Chief Commissioner, by rules made under this Act, prescribes.

CHAPTER V.

Reciprocal Rights of Owners and Occupiers to supply of Water to Houses.

Power for occupier of house to require owner to provide works for water-supply.

20. (*1*) Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

(*2*) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(*3*) If the house, or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

Power for occupier to make works in default of owner.

21. (*1*) If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house:

Provided

Provided that the occupier shall not recover on account of the cost—

(*a*) a sum exceeding the amount of six months' rent; or

(*b*) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

(*2*) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(*3*) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided, namely:—

(*a*) two taps in the house;

(*b*) one tap in the cook-room of, or other building attached to, the house, and

(*c*) one tap in or near the stables or other out-houses belonging to the house:

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

24. If

Power to refer to Committee.

24. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the Committee, and the written award of any officer authorized by the Committee in this behalf shall be final and binding on the owner and the occupier.

Fee on reference.

25. There shall be payable by the person making a reference to the Committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Duty of owner to keep works in repair.

26. (*1*) The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

(*2*) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

Power for owner to recover sums payable by occupier.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Saving of contracts between owners and occupiers.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

CHAPTER VI.

RULES.

Power for Chief Commissioner to make rules.

29. The Chief Commissioner may, from time to time, make rules consistent with this Act—

(*a*) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be

be constructed by the Committee for the supply of water under this Act;

(*b*) to prescribe the size and nature of the stand-pipes or pumps to be erected by the Committee under this Act, and the intervals at which they must be erected;

(*c*) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the Committee under this Act;

(*d*) to prescribe the pressure at which the water supplied by the Committee under this Act is to be laid on either generally or at specified times; and

(*e*) generally to define and regulate the powers and duties of the Committee under this Act.

Power for Committee to make rules.

30. (*1*) The Committee may, from time to time, at a special meeting, make rules consistent with this Act—

(*a*) for regulating rowing, sailing and fishing on or in the Royal Lake; and

(*b*) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, casks, cisterns and other apparatus to be used by every person supplied by them with water.

(*2*) In making a rule under this section the Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(*3*) If any person, having or requiring a supply of water from the Committee, fails to comply with any rules made under clause (*b*) of this section, the Committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with:

Provided

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Procedure for making rules.

31. (*1*) The Chief Commissioner or Committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested.

(*2*) The publication shall be made—

(*a*) in the case of rules under section 29, in such manner as, in the opinion of the Chief Commissioner is sufficient; and

(*b*) in the case of rules under section 30, in such manner as the Chief Commissioner, by order, directs.

(*3*) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(*4*) The Chief Commissioner or Committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

32. Every rule made under section 29 or section 30 shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and such publication shall be conclusive evidence that the rule has been made as required by section 31.

CHAPTER VII.

Arrears and Offences.

Arrears of water-rents.

33. All arrears of water-rents under this Act may be recovered, on application to such Revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue.

34. If

Power for Committee to turn off water on neglect to pay water-tax or water-rent.

34. If any person supplied with water neglects to pay—

(*a*) the water-tax leviable under the Burma Municipal Act, 1884, or XVII of 1884.

(*b*) any water-rent payable by him to the Committee,

the Committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the Committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Penalty for obstructing, diverting or wasting water.

35. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the Committee, or from any water or streams by which these water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for unauthorized application of water.

36. If any person—

(*a*) uses for other than domestic purposes any water supplied under this Act for domestic purposes; or

(*b*) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the Committee to recover from him the price of the water misused.

37. (*1*)

Penalties for causing the water of the Committee to be fouled, &c.

37. (*1*) If any person—

(*a*) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or

(*b*) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(*c*) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

Prosecutions.

38. Prosecutions under this Act or the rules made under this Act may be instituted by the Committee or any person authorized by them in this behalf, and not otherwise.

Government of India Central Printing Office.—No. 188 L. D.—3-11-84.—2,600.

ACT No. XX OF 1884.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th October, 1884.)

An Act to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India; It is hereby enacted as follows:— of 1882.

1. From such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the words "to the Province of Sindh" and the word "Province," in paragraphs three and four respectively of section 1 of the Indian Salt Act, 1882, shall be repealed. Repeal of words "to the Province of Sindh" and "Province" in section 1 of Act XII of 1882.

[*Price one anna.*]

Government of India Central Printing Office.—No. 193 L. D.—3-11-84.—3,400.